

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 960-8806** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, AUGUST 6, 2001

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present – Dettloff arrived at 5:18 p.m.]

[City Clerk announced 5:00 p.m. late communications received: Slide report on Study Session Item #2; and three received re: Request for Closed Session on OVSD gymnasiums]

Public Comments Regarding Study Session and Closed Session Agenda Items

- (1) Speaker opposed to portion of tow ordinance allowing tow yards to be located out of city due to police taken away from city & current standards having to be met by current operators, and now standards are lessened.***
- (2) Speakers opposed to proposed closed session re: OVSD gymnasiums.***
- (3) Speakers in favor of proposed closed session re: OVSD gymnasiums.***
- (4) Speakers stated concerns re: portions of towing ordinance re: storage & out of city and other provisions that would inconvenience police.***

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.ci.huntington-beach.ca.us>

(City Council/Redevelopment Agency) Two Study Sessions: (1) Review of City's Business Development and (2) Review and Discussion of Proposed Police Department-Directed Towing Ordinance (Continued from July 16, 2001 Meeting) For Council Action at the August 20, 2001 Meeting (460.30/640.10)

Study Session 1: Review of City's Business Development Program

The Director of Economic Development, David Biggs, will present an overview of the city's recent business development activities and programs. A PowerPoint presentation will be made by Project Manager Jim Lamb.

[Deferred by Administration to later date]

Study Session 2: Continued from July 16, 2001 – Review and Discussion of Proposed Police Department-Directed Tow Ordinance to be Presented for Council Action at the August 20, 2001 Meeting

Police Chief Ronald Lowenberg will present an overview of the city's proposed tow ordinance. A PowerPoint presentation will be made and **a Request for Council Action (RCA) and supporting materials for review, which are to be presented for Council action at the August 20, 2001 meeting.**

[Presentation made. Discussion held between Council and staff]

(City Council) Request by Councilmember Connie Boardman to Add Per Government Code Section 54956.9(c) an Item to the August 6, 2001 Closed Session Regarding Ocean View School District Mitigated Negative Declaration (Environmental Document) for Construction of Three Gymnasiums at Three Middle Schools: Mesa View, Spring View and Marina View (120.80)

Communication from Councilmember Connie Boardman requesting that the following item be discussed immediately after the study session prior to the City Council vote to go into closed session: Councilmember Boardman's memorandum sets forth the following:

The Ocean View School District at their meeting on July 10, 2001 voted to certify the mitigated negative declaration for the gymnasiums to be constructed at three middle schools in Huntington Beach and one middle school in Fountain Valley. Our staff as well as the staff of the city of Fountain Valley responded to the mitigated negative declaration and requested that the document be re-circulated. The Ocean View School District (OVSD) Board decided to certify the document rather than re-circulate it.

I have attached copies of the **comments of city staff and as you can see there are many concerns that were not addressed by the mitigated negative declaration. During public comments at the last Council meeting citizens expressed their concerns about the mitigated negative declaration as well. The Council has 30 days from July 10, 2001 in which to decide whether or not to challenge the document under the California Environmental Quality Act (CEQA). This meeting is the last one we will have before the deadline to file a writ asking the court to order a full Environmental Impact Report to be prepared.

**Communication dated July 3, 2001 from Mary Beth Broeren, Senior Planner submitting comments from the City of Huntington Beach on the three Mitigated Negative Declarations.

Recommended Action: Motion to:

Add this issue to the closed session on August 6, 2001 to discuss whether or not the City Council would like to pursue legal action to challenge the certification of the mitigated negative declaration by the Ocean View School District.

The City Attorney has provided me with the following language:

The reasons and legal authority for holding a closed session on August 6, 2001 for the purpose of conferring with and or receiving advice from its legal counsel concerning pending litigation are as follows:

 X Based on the existing facts and circumstances, the legislative body of the local agency has decided or is deciding whether to initiate litigation. Said closed session is held under the authority of California Government Code Section 54956.9(c).

[Approved 4-3 (Garofalo, Bauer, Dettloff No)]

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 7-0]

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its city attorney regarding pending litigation. 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: **Threatened Litigation Concerning Solicitation Ordinance.** (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 **PLC v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 01CC05117. Subject: **PLC v City of Huntington Beach, et al.** (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 In the Matter of AES Huntington Beach Generating Station Retool Project: AQMD Title V Permit Revision of May 30, 2001; Before the SCAQMD Hearing Board of Appeals, Case No. 5202-1; and Petition for Permit Appeal, Case No. 5202-2. Subject: **In the Matter of AES Huntington Beach Generating Station Retool Project; AQMD Title V Permit Revision of May 30, 2001.** (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 Huss, et al. v. City of Huntington Beach; U.S. District Court Case No. SACV 98-249 AHS (ANx). Subject: **Huss, et al. v. City of Huntington Beach.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting at 7:50 p.m.

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a)(3)(B)).

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present]

- A-1. **(City Council) Request for Permission by Councilmember Peter Green to be Absent** (120.40)
 Communication from Councilmember Green requesting permission to be absent from the City Council meeting of August 13, 2001.
Recommended Action: Motion: Approve said request.
[Approved 7-0]

Flag Ceremony and Pledge of Allegiance

Invocation – City Administrator Ray Silver

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda
 (1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

[City Clerk announced late communications received: Slide show report on study session re: towing; three late communications on request for closed session on mitigated negative declaration on OVSD gymnasiums; C-1a; C-3; D-1; E-13; and F-2.]

Presentation – By Mayor Pam Julien Houchen to the Project Consultant, Project Manager and members of the Huntington Beach Urban Design Guidelines Advisory Committee for their contribution in the preparation and review process of the Urban Design Guidelines. The American Planning Association, Orange County Section, awarded the 2001 Outstanding Planning Implementation Award to the City of Huntington Beach for the citywide Urban Design Guidelines. Those receiving Certificates of Appreciation are: Councilmembers Ralph Bauer and Shirley Dettloff, Planning Commissioners Tom Livengood and Connie Mandic, Planning Director Howard Zelefsky, Principal Planner Scott Hess, Project Manager Amy Wolfe and Committee Members Mike Adams, Steve Bone, Mark J. Brodeur, Bob Corona, Mike Mudd and Daryl Smith. (160.40)

Presentation – To Mayor Pam Julien Houchen, Fire Chief Michael P. Dolder, and Martha Werth, Fire Education Specialist, by Ron Shenkman, a check in the amount of \$4,000 for the Huntington Beach Fire Department Senior Home Inspection Program (SHIP) from Rainbow Disposal, Aera Energy and Fountain Valley Hospital. (160.40)

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) Speaker in support of agenda Item C-1a, a tidal inlet for Bolsa Chica and presenting various recommendations to Council re: C-1a.**
- (2) Speaker spoke re: the agreement to establish a Project for Wetlands Acquisition and Restoration at the Bolsa Chica Lowlands in O.C. entered into by the Federal Government, State and City Agencies.**
- (3) Speaker requesting utility tax be lowered commensurate with 20% utility rebate offered by utility company; state why taxpayers funds should not be needed for Huntington Central Park Sports Complex. Requested certain language be put in ordinance, not findings.**
- (4) Speaker stated reasons why sewer fee is under Proposition 218.**
- (5) Speaker requesting 35 mph speed limit be restored on Heil Avenue from Saybrook Lane to Newland Street and 40 mph be rescinded.**
- (6) Several speakers including representatives from Children's Hospital of Orange County commending Council for their concern re: pool safety, requesting four-sided barriers and multiple layers of barriers retroactive for buildings with pools and those to be constructed. Request outreach to citizens such as the Fire Department does in visiting citizens on fire prevention.**
- (7) Speaker again requesting that Blue Gate Homeowner's Assn. be reimbursed for funds provided to the city to pave their street.**
- (8) Speaker opposed to Consultant Report prepared on Mobilehome residency study, and protesting lack of action by Council on banner towing planes over beach.**

- (9) *Speakers in opposition to 301(h) waiver applied for by O.C. Sanitation District and requesting City's representative on OCSD Board oppose 301(h) waiver.***

Councilmembers Peter Green and Ralph Bauer reported at length on the ocean pollution problem.

- (10) *Speaker in opposition to space rent increases in mobile home parks in Huntington Beach, stating his records reflecting the increases are available.***
- (11) *Speaker stating the repugnance factor of sewage in the ocean will deter tourists and have economic impacts.***

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Update on the July 30, 2001 Joint Meeting Between the Bolsa Chica Council Committee and the Huntington Beach Environmental Board Re: the Status of the Lowland Restoration Project (.)**

Communication was received from Councilmember Connie Boardman, Chair of the City Council Committee on the Bolsa Chica on behalf of Council Committee Members Ralph Bauer and Peter Green transmitting that:

On July 30, 2001, the City Council Committee on the Bolsa Chica met in a joint session with the City of Huntington Beach Environmental Board to discuss a preferred restoration alternative and recommendation to the City Council for the Bolsa Chica Lowlands based on public testimony and the analysis presented in the Environmental Impact Report/Environmental Impact Supplement (EIR/EIS) for the Lowlands restoration.

The meeting was attended by approximately 45 people including representatives from several regulatory agencies that are overseeing the restoration process such as State Lands Commission, U.S. Fish and Wildlife Service and National Marine Fisheries Service. The Committee heard testimony from 19 members of the public, and a presentation was made by a consultant for the State Lands Commission on additional water quality modeling that has been completed.

The proposed project that is supported by the regulatory agencies (Restoration Steering Committee) includes a full tidal basin and an ocean inlet near Huntington Mesa. It also maintains existing flow from the East Garden Grove Wintersburg Channel (EGGWC) to Outer Bolsa Bay (then to Huntington Harbor).

In previous actions in 1995 and 1999, the full City Council has voted that it is in favor of the tidal inlet if it is designed in a manner which will have no adverse impact to the beach, public recreation, or be detrimental to public safety, health, or welfare; the site planning of open space, park trails, ecological reserves or other open space amenities. The City Council has also voted that is in support of 100 percent diversion of the EGGWC flow into the wetlands and not into Outer Bolsa Bay and the Harbor.

At the July 30, 2001 meeting, the City Council Committee on the Bolsa Chica voted 2-1 to recommend that the City Council support a tidal inlet near Huntington Mesa, consistent with the proposed project, with Council Member Boardman opposed. Planning Commissioner Ed Kerins also voted to support the tidal inlet.

The City Council Committee on the Bolsa Chica also voted 2-1 to recommend that the City Council support maintaining the EGGWC flow to Outer Bolsa Bay and not divert the flow to the wetlands, consistent with the proposed project, with Council Member Bauer opposed. Planning Commissioner Ed Kerins also voted to support the motion.

[Motion (1): That the City Council support a tidal inlet near Huntington Mesa, consistent with the proposed project – Approved 5-1-1 (Bauer No; Dettloff abstain)]

(Continued on Next Page)

[Motion (2): That the City Council support maintaining the East-Garden Grove-Wintersburg Channel (EGGWC) flow to Outer Bolsa Bay and not divert the flow to the wetlands, consistent with the proposed project – Approved 5-1-1 (Bauer No; Dettloff abstain)]

[Motion (3): That the three flood control channels which empty into the Huntington Harbour be diverted to the sanitation plant as soon as possible. Discussion ensued which resulted in maker of motion and the second changing Motion (3) to address the Wintersburg Channel only as set forth in Motion (2) previously adopted – Approved 6-0-1 (Dettloff abstain)]

[Motion (4): That the Restoration Committee be contacted and that they be requested to send a restoration timeline, a budget for the restoration, and that a city and county representative be invited to attend all meetings of the Restoration Committee or any subcommittee thereof – Approved 6-0-1 (Dettloff abstain)]

[Councilmember Bauer to return at next meeting with a memo re: the other two flood control channels.]

C-2. City Administrator's Reports**C-2a. (City Administrator's Report) Announcement Re: Agenda Item E-4 – Slater Channel Improvement Project (160.10)**

The City Administrator will announce that the Slater Channel Project improvements are complete and were made under budget. The City Council-approved budget was \$3,620,472 while actual expenditures were \$3,608,005.

[City Administrator Reported]

C-2b. (City Administrator's Report) Announcement Re: Agenda Item E-11 – Traffic Signal Communications and Operation Upgrade Project (160.10)

The City Administrator will announce that the city has received two competitive grants: \$400,000 from the Orange County Transportation Authority (OCTA) Signal Improvement Program and \$100,000 in Measure M Local Turnback funds. Funding will be used to upgrade the city's traffic signal communications and operations master system.

[City Administrator Reported]

C-2c. (City Administrator's Report) Presentation on Community Services and Public Works Department Spotlights: (1) Tot Lot Equipment Replacement and (2) Beach Public Services Center and (3) Sewer Slip Lining (Downtown and Old Town Neighborhood Enhancement Areas (160.10)

A PowerPoint presentation titled *Community Services/Public Works Department Spotlight* will be given regarding the status of three city projects.

[Report presented]

Tot Lot Equipment Replacement (.)

Over \$1,000,000 has been spent to replace worn play equipment as well as meet the Americans with Disabilities Act (ADA) requirements in the city's parks. Funding for the program was provided through Park Acquisition and Development Fund, Community Development Block Grants and other state grants. To date, 48 of 62 playgrounds have new equipment.

[Report presented]

Beach Public Services Center Located South of HB Pier (.)

Located south of the pier, the new Public Services Center includes public restrooms, Summer Police Patrol, Volleyball and Surfing Programs, and operations for beach and Pier Plaza special events. Total cost is \$500,000 from the Pier Fund.

[Report presented]

Sewer Slip Lining – Downtown and Old Town Neighborhood Enhancement Areas (.)

The city has slip lined 50,000 feet of sewers in the Downtown Area. Additional anticipated CDBG funding of \$347,000 for 2001-02 will complete all Old Town Enhancement Area slip lining.

[Report presented]

C-2d. **(City Council) Receive and File Update on Orange County Sanitation District (OCSD) Landscaping Improvements in Conjunction with the Construction of a Hydraulic Surge Tower and Pump Station on Pacific Coast Highway and Brookhurst Street** (1020.50)

Report from the City Administrator will report on the Planning Director's communication regarding a proposed plan for the Orange County Sanitation District's (OCSD) landscaping improvements for the portion of their property which faces Pacific Coast Highway near Brookhurst Street.

**A staff report describing the project is included in the agenda packet.

Recommended Action: Motion to:

Receive and file the Update on the Orange County Sanitation District Landscaping Improvements.

[OCSD Engineer reported re: trees to be planted]

[Approved 7-0]

C-3. **(City Council) Review and Accept Shari Freidenrich, City Treasurer's June 2001 Report, City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity** (310.20)

Communication from the City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for June 2001.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for June 2001*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

[Approved 7-0]

(Public Financing Authority) Regular Meeting of the Huntington Beach Public Financing Authority

Call Regular Meeting of Huntington Beach Public Financing Authority to Order (125.35)

Roll Call of the Huntington Beach Public Financing Authority Members

Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present]

(Public Financing Authority) Approve and Adopt Minutes – Motion to:

Approve and adopt minutes of January 16, 2001 meeting of the Huntington Beach Public Financing Authority as written and on file in the Office of the Secretary. Submitted by the Secretary.

[Approved 6-0-1 (Green abstain)]

Adjournment—~~Adjourn the Regular Meeting of the Huntington Beach Public Financing Authority.~~

The Mayor will convene to a Joint Public Hearing of the Huntington Beach City Council and the Public Financing Authority.

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council/Huntington Beach Financing Authority) Joint Public Hearing to Consider Authorizing Issuance of PFA Lease Revenue Bonds to Finance South Beach Phase II Improvements and the Huntington Central Park (HCP) Sports Complex – Continue to August 13, 2001 Meeting to Adopt Council Resolution No. 2001-47 – Adopt PFA Resolution No. 14 (330.60)

Communication received from the Administrative Services Director and the Community Services Director.

Joint public hearing to consider authorizing the issuance of Lease Revenue Bonds by the Huntington Beach Public Financing Authority for Huntington Central Park Sports Complex and Phase II South Beach Area Improvements.

The joint public hearing is being held in accordance with Section 6586.5(a)(2) of the California Government Code with respect to the financing of improvements by means of the issuance of revenue bonds (the "Bonds") by the Huntington Beach Public Financing Authority (the "Authority") in an amount not to exceed \$33,000,000. The improvements to be financed will be located in the city and will consist of the development of a 45-acre sports complex and Phase II improvements to the city's South Beach area.

Notice is further given that at said joint public hearing all interested persons will have an opportunity to be heard with respect to the financing of the improvements with proceeds of the Bonds and the public benefits arising from the financing. Written comments may be submitted at or before the hearing to Connie Brockway, City Clerk, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

**A PowerPoint presentation titled *2001 Lease Revenue Bond Issue* will be made and is included in the agenda packet.

Recommended Action:

City Council Recommended Action: Motion to:

Conduct a public hearing and close the hearing. ~~Continue the matter to the August 13, 2001 budget workshop (adjourned regular meeting) to adopt~~ **Resolution No. 2001-47** – "A Resolution of the City Council of the City of Huntington Beach Approving Proceedings to Finance the Costs of Certain Capital Improvements of the City, Approving Issuance of Lease Revenue Bonds by the Huntington Beach Public Financing Authority for Such Purposes, and Approving Related Documents and Official Actions."

[Adopted Resolution No. 2001-47 - 5-2 (Boardman, Cook No)]

(Continued on the Next Page)

Public Financing Authority Recommended Action: Motion to:

*Adopt **Resolution No. 14** – “A Resolution of the Board of Directors of the Huntington Beach Public Financing Authority Authorizing the Issuance and Sale of Lease Revenue Bonds in an Aggregate Amount Not to Exceed \$33,000,000 to Finance the Costs of Certain Capital Improvements for the City of Huntington Beach and Approving Related Documents and Official Actions.”*

[Adopted Resolution No. 14 - 5-2 (Boardman, Cook No)]

Adjournment – Adjourn the Joint Public Hearing of the City Council and the Public Financing Authority.

The Mayor will convene to the Annual Meeting of the Huntington Beach Civic Improvement Corporation.

(Civic Improvement Corporation) Annual Meeting of the Huntington Beach Civic Improvement Corporation (125.20)

1. **Call Annual Meeting to Order** of the Huntington Beach Civic Improvement Corporation.

2. **Roll Call** Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present]

3. **Election of Officers** – Motion to: Approve the election of Mayor Pam Julien Houchen – President, Mayor Pro Tem Debbie Cook – Vice President, and City Clerk Connie Brockway – Secretary.
[Approved 7-0]

4. **(Civic Improvement Corporation) Approve and Adopt Minutes** – Motion to:
Approve and adopt the minutes of the regular meeting held July 5, 2000 as written and on file in the Secretary's Office.
[Approved & Adopted 5-0-2 (Boardman, Cook abstain)]

Adjournment – Adjourn the Annual Meeting of the Huntington Beach Civic Improvement Corporation.

Reconvene City Council/Redevelopment Agency Meeting

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency regular adjourned meetings of July 14, 2001 and regular meetings of July 16, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 7-0]
- E-2. **(City Council) Approve 2000-2001 Annual Report – Huntington Beach Auto Dealer Business Improvement District (BID) and Adopt Resolution of Intention No. 2001-44 to Levy an Annual Assessment for Fiscal Year 2001-02 – Schedule Public Hearing for Tuesday, September 4, 2001** (460.30) – 1. Approve the Huntington Beach Auto Dealers Business Improvement District Annual Report for FY 2000/2001; and 2. Adopt City Council **Resolution No. 2001-44** – “A Resolution of the City Council of the City of Huntington Beach Declaring its Intention to Levy an Annual Assessment for Fiscal Year 2001-02 to Fund Improvements within the Huntington Beach Auto Dealers Business Improvement District;” and 3. Direct the City Clerk to schedule a public hearing to be held on **September 4, 2001**, and send copies of the Resolution, BID Boundary Map, and assessment formula to each business to be assessed. Submitted by the Economic Development Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-3. **(City Council) Adopt Resolution No. 2001-45 Establishing the Annual Gann Tax Proceeds Appropriation Limit for Fiscal Year 2001-2002** (340.90) – Adopt **Resolution No. 2001-45**, a resolution establishing the appropriation limit of \$377,541,514 for fiscal year 2001/2002 – “A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2001-2002.” Submitted by the Administrative Services Director. Funding Source: Not Applicable.
[Adopted 7-0]
- E-4. **(City Council) Accept the Slater Channel Improvement Project, CC-1089 and File a Notice of Completion (Mesa Construction Projects, Inc.)** (600.60) – Accept the Slater Channel Improvement Project, CC-1089 at a final cost of \$3,494,505.40, and authorize the City Clerk to file a Notice of Completion with the County Recorder’s Office. Submitted by the Public Works Director. Funding Source: Federal Emergency Management Agency (FEMA) grant funds – \$2,400,000 and Drainage Funds – \$1,220,472 were authorized for this project. (On July 16, 2001, Council authorized the transfer of project contingency funds to the supplemental funds.)
[Approved 7-0]

- E-5. **(City Council) Approve Amendment to Cooperative Agreement No. C-0-0167 Between the City and the Orange County Transportation Authority (OCTA) for Extension of Term of Current Agreement for the Intelligent Transportation System (ITS) Master Plan – Travel TIP System** (600.25) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Cooperative Agreement No. C-0-0167 between Orange County Transportation Authority and City of Huntington Beach*. Submitted by the Public Works Director. Funding Source: No funding is required for the amendment.
[Approved 7-0]
- E-6. **(City Council) Adopt Annual Disadvantaged Business Enterprises (DBE) Goal for Fiscal Year 2001/2002 (For Minority and Female-Owned Businesses)** (340.70) – Adopt the Annual Disadvantaged Business Enterprises (DBE) goal of 1.65%. Submitted by the Public Works Director. Funding Source: Not Applicable. (In order to receive financial assistance from the Federal Highway Administration (FHWA), the City must adopt an annual Disadvantaged Business Enterprises (DBE) goal which sets target levels for female-owned and ethnic minority-owned businesses in its contracts on Federal aid projects.)
[Adopted 7-0]
- E-7. **(City Council) Approve the Release of Securities for Tract No. 15734 and Notice of Acceptance of Public Improvements (Signal Landmark) – s/w Corner of Bolsa Chica Street and Los Patos Avenue** (420.60) – **1.** Accept the improvements constructed and dedicated for public use with Tract No. 15734; and **2.** Release Signal Landmark, Faithful Performance/Labor and Material Bond No. 1677807 and Monument Bond No. 1677808 pursuant to California Government Code Section No. 66499.7; and **3.** Accept Signal Landmark’s Guarantee and Warranty Maintenance Bond No. 1677807-M, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **4.** Instruct the City Clerk to notify the developer, Signal Landmark, of this action, and the City Treasurer to notify the Surety, **Insurance Company of the West**, of this action; and **5.** Instruct the City Clerk to record the **Notice of Acceptance of Public Improvements** with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-8. **(City Council) Approve a Professional Services Contract Between the City and Berryman and Henigar, Inc. for Project Manager for the City Hall First Floor Tenant Improvements of the Administrative Services Department and the City Treasurer’s Office** (600.10) – **1.** Approve and authorize the Mayor and City Clerk to execute the Professional Services Contract with Berryman & Henigar, Inc. for Project Management for the first floor tenant improvements – *Professional Services Contract between the City of Huntington Beach and Berryman & Henigar for Project Management Services*; and **2.** Authorize the Director of Public Works to expend monies to cover contract amount of \$125,000 and contingencies of \$10,000 for a total expenditure not to exceed \$135,000. Submitted by the Public Works Director. Funding Source: \$135,000 in General Fund Capital Improvements Account, Civic Center Improvements.
[Approved 7-0]

- E-9. (City Council) Approve Fiscal Year 2001/02 Proposed Budget – West Orange County Water Board (WOCWB) Joint Powers Authority (320.80) – Approve the 2001/02 proposed West Orange County Water Board Budget in the amount of \$324,800. Submitted by the Public Works Director. Funding Source: Water Fund, Water Administration, WOCWB Maintenance Account. Total proposed budget is \$324,800; Huntington Beach’s share for the fiscal year is \$182,213, with \$67,780 funded by reserves and interest. The net contribution for FY 2001/02 will be \$114,433. (WOCWB Joint Powers Authority cities are Garden Grove/Seal Beach/Westminster/Huntington Beach. Councilmembers David Garofalo and Peter Green represent the City of Huntington Beach on the Board and are recommending adoption of the budget.)**
[Approved 7-0]
- E-10. (City Council) Approve Plans and Specifications and Authorize Advertisement of the Fire Station 1 – Gothard Gas Pump Canopy Over Fuel Island Project, CC-1172 – Approve Sample Construction Contract (600.80) – 1. Approve the project plans and specifications and authorize the Director of Public Works to request bids for the Fire Station 1 – Gothard Gas Pump Island Canopy Project, CC-1172; and 2. Approve the attached Sample Contract subject to award of the contract to the lowest responsive/responsible bidder. Submitted by the Public Works Director. Funding Source: \$80,000 – General Fund, Fire Suppression, Capital Expenditure Account. (Improvements are required in order to conform with the Clean Water Act; the Drainage Area Master Plan (DAMP) adopted by the County of Orange and the City; and the City’s Municipal Code, Chapter 14.25.)**
[Approved 7-0]
- E-11. (City Council) Approve Plans and Specifications and Authorize Advertisement of Traffic Signal Communications Modifications of 21 City Intersections and Operation Upgrade Project (TSCOUP) Phases I and II, CC-1163 – Approve Sample Construction Contract (600.55) – 1. Approve plans and specifications, and authorize the Director of Public Works to request bids for the TSCOUP I and II Projects; and 2. Approve the attached Sample Contract subject to award of the contract to the lowest responsive/responsible bidder. Submitted by the Public Works Director. Funding Source: \$500,000 – Orange County Transit Authority/Signal Improvement Program (OCTA/SIP) Fund, Traffic Signal Improvements Account, \$400,000 was provided through two OCTA (SIP) fund grants (\$200,000 each) and \$100,000 through City Measure M Local Turnback funds. (The 21 intersections that will receive the improvements are identified in Attachment No. 1 of the staff report.)**
[Approved 7-0]

- E-12. **(City Council) Adopt Resolution No. 2001-48 Confirming Reports of Cost for 2001 Weed Abatement on 93 Private Property Lots Within the City – Direct Charges be Certified to the 2001-02 County Tax Rolls** (520.80) – Adopt **Resolution No. 2001-48**, Confirming Reports of Cost for Weed Abatement on Lots within the City – 2001 Season, and direct that all charges listed thereon be certified to the County 2001-2002 Tax Roll – *“A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Lots within the City – 2001 Season.”* Submitted by the Public Works Director. Funding Source: All costs incurred by the City for cleaning any private property constitute a special assessment upon such parcel of land. Such special assessment shall be collected at the same time and in the same manner as ordinary County property taxes in the amount of \$17,103.99.
[Adopted 7-0]
- E-13. **(City Council) Retain Existing Speed Limits on Heil Avenue – 35 MPH from Saybrook Lane to Bolsa Chica Street and 40 MPH from Bolsa Chica to Newland Streets** (580.60) – Retain the existing posted speed limits on Heil Avenue of 35 mph from Saybrook Lane to Bolsa Chica Street and 40 mph from Bolsa Chica Street to Newland Street as established in Ordinance No. 3479 and Ordinance No. 3495. Submitted by the Police Chief and the Public Works Director. Funding Source: None.
[Motion to put speed at 35 mph FAILED 2-5 (Boardman, Cook, Julien Houchen, Dettloff, Bauer No)]
[Motion to retain speed at 40 mph APPROVED 6-1 (Garofalo No)]
- E-14. **(City Council) Approve Reimbursement to Private Property Owner for Parkway Tree Replacement at 20412 Ravenwood Lane, Huntington Beach** (320.45) – Approve reimbursement and direct staff to refund \$150 to the property owner. Submitted by the City Beautification, Landscaping and Tree (BLT) Council Committee Chair Mayor Pro Tem Debbie Cook and Councilmembers, Ralph Bauer and Dave Garofalo. Funding Source: \$150 Tree Maintenance Agricultural Materials expense account.
[Approved 6-1 (Dettloff No)]
- E-15. **(City Council) Approve Plans and Specifications and Authorize the Advertisement of Bids for Public Improvements for Pedestrians (on Various Local Streets and Meadow View School), MSC 409 – Approve Sample Construction Contract** (600.50) – 1. Approve the Plans and Specifications, and authorize the Director of Public Works to request construction bids; and 2. Approve the attached Sample Construction Contract subject to award of contract to lowest responsible/responsive bidder. Submitted by the Public Works Director. Funding Source: \$877,900 – Measure M Fund, Pedestrian Improvements Account. (Repair/Replacement of applicable public improvements along Cindy Lane, Clark Drive, Cludhouse Lane, Heil Avenue, Marie Lane, Mediterranean Drive, Shorewood Circle and Tigerfish Circle (MSC 409) are complete and ready for competitive bidding.)
[Approved 4-0-3 (Green, Cook, Garofalo absent from room)]

- E-16. (City Council) Accept Bid and Award Construction Contract to J. Cardenas Construction for the Water Meter Box Replacement Project; WSC 016 (at Various Locations Throughout the City) (600.75) – 1. Accept the low responsive/responsible bid submitted by J. Cardenas Construction for the Water Meter Box Replacement Project; and 2. Authorize the Mayor and City Clerk to execute a construction contract between the City of Huntington Beach and J. Cardenas Construction in substantially the same form as the attached sample contract, including required insurance and upon approval as to form by the City Attorney, in the amount of \$22,005; and 3. Authorize the Director of Public Works to expend a total of \$35,000, including the contract amount of \$22,005, change orders in the amount of \$2,200.50, and supplemental expenditures of \$10,794.50. Submitted by the Public Works Director. Funding Source: \$35,000 – Water Meter Account.**

[Approved 7-0]

- E-17. (City Council) Adopt Resolution No. 2001-49 Supporting West Orange County Transit Project Definition Study to be Forwarded to the Orange County Transportation Authority (OCTA) (940.50) – Adopt **Resolution No. 2001-49** – “A Resolution of the Huntington Beach City Council Supporting the West Orange County Project Definition Study” and forward it to the Orange County Transportation Authority (OCTA). Submitted by the Public Works Director. Funding Source: Not Applicable.**

[Adopted 7-0]

F. Administrative ItemsF-1. (City Council) Adopt Resolution of Intent No. 2001-46 Providing Notice that on September 4, 2001 the City Council will Consider Adoption of Ordinance No. 3501 to Amend the Contract with PERS (Public Employees' Retirement System) to Provide Benefits for Local Police Safety and Ocean Lifeguard Members: (1) Section 21362.2 (3% @ 50 Full Formula) and (2) Section 21574 (Fourth Level of 1959 Survivors) (720.20)

Communication from the Administrative Services Director requesting Council approval to amend the contract with the Public Employees' Retirement (PERS) to provide Section 21362.2 (3% @ 50 Full Formula) and Section 21574 (Fourth Level of 1959 Survivors) Benefits for local police safety and ocean lifeguard members. Government Code Section 7507 requires that the future annual costs of the proposed contract amendment be made public at a City Council meeting at least two weeks prior to the adoption of the final ordinance. These costs are as follows:

1. Change in the Present Value of Benefits	\$8,464,948
2. Change in the Unfunded Accrued Liability	(\$4,378,995)
3. Change in the Employer Rate	1.745%

Recommended Action: Motion to:

1. Adopt **Resolution of Intent No. 2001-46** – “A Resolution of the City Council of the City of Huntington Beach: (A) Stating the City Council’s Intention to Approve an Amendment to the Existing Contract between the Board of Administration of the California Public Employees’ Retirement System and the City Council of the City of Huntington Beach; and (B) Providing Notice that on September 4, 2001, the City Council will Consider Adoption of Ordinance No. 3501, Approving Said Contract Amendment; the Subject Matter Being the Provision of the 3% at 50 Benefit and the Fourth Level of 1959 Survivor Benefits to Local Police Safety Members and Ocean Lifeguards;”

and

2. After City Clerk reads by title, approve Introduction of **Ordinance No. 3501** – “An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract between the City Council of the City of Huntington Beach and the Board of Administration of the California Public Employees’ Retirement System, Concerning Retirement Benefits for Local Police Safety Members and Ocean Lifeguards;”

and

3. Authorize the Mayor to sign and the City Clerk to attest to the *Certification of Member Contribution Rate*;

and

4. Authorize the City Clerk to attest to the *Certification of Compliance with Government Code Section 7507*;

and

(Continued on Next Page)

5. Authorize the Mayor to sign and the City Clerk to attest to the *Agreement to Pool 1959 Survivor Benefits Assets and Liabilities between the Board of Administration, California Public Employees' Retirement System and the City Council, City of Huntington Beach.*

[Recommended Action #1 Adopted 6-0-1 (Garofalo out of room)]

[Recommended Action #2 Approved Introduction of Ordinance No. 3501 - 6-0-1 (Garofalo out of room)]

[Recommended Actions #3, #4 and #5 – Approved 6-0-1 (Garofalo out of room)]

F-2. **(City Council) Approve Introduction of Ordinance No. 3502 – Adopting Huntington Beach Municipal Code Section 14.54 to Implement the Sewer Service User Charge and Direct Staff to Return August 20, 2001 with a Resolution of Proposed Fees and Methodology for Annual Review** (340.20)

Communication from the Public Works Director transmitting that at its regularly scheduled meeting of February 20, 2001, the City Council directed staff to proceed with the implementation of an ongoing sewer service user charge that fully funds the rehabilitation, replacement, repair and maintenance of all City-owned sewers and lift stations. The implementing ordinance is ready for approval for introduction.

A new Sewer Service Fund will be created if the Council adopts the ordinance. Upon adoption of the proposed rates, it is anticipated that approximately \$6.3 million in annual revenue will be available for sewer maintenance, repairs and rehabilitation.

**Communication dated July 2001 and titled *City of Huntington Beach – Sewer Service Charge Approach* is included in the agenda packet.

Recommended Action: After the City Clerk reads by title, motion to:

1. Approve introduction of **Ordinance No. 3502** – “*An Ordinance of the City of Huntington Beach Adopting Chapter 14.54 of the Huntington Beach Municipal Code Regarding Implementation of a Sewer Service User Charge Pursuant to California Health & Safety Code Section 5470, Et Seq. and Making Findings in Support Thereof;*”

~~1. [Approved Introduction of Ordinance No. 3502~~

~~4-3 (Boardman, Cook, Garofalo No)]~~

2. Determination was made later in the meeting that introduction of an ordinance requires 5 affirmative vote, thus rendering this motion to have failed.

and

2. Direct staff to return on the August 20, 2001 City Council regular meeting with a Resolution to establish rates and charges; including a methodology or formula for annual review of the rates and charges.

~~1. [Approved 4-3 (Boardman, Cook, Garofalo No)]~~

2. Determination was made later in the meeting that introduction of an ordinance requires 5 affirmative votes, thus rendering this motion to have failed.

[Based on the foregoing determination, a motion was taken later in meeting to draft an ordinance to pay \$5.6 million per year from Sewer Service fee and find \$700,000 from the General Fund – Approved 6-1 (Garofalo No)]

G. Ordinances

G-1. Ordinance for Adoption - None

G-2. Ordinance for Introduction

G-2a. (City Council) Approve Introduction of Ordinance No. 3500 to Amend Huntington Beach Municipal Code Chapter 9.88 Relating to Solicitation for Employment and Contributions (640.10) – *“An Ordinance of the City of Huntington Beach Amending Chapter 9.88 of the Huntington Beach Municipal Code Relating to Employment Solicitation”* repealing sections found to be unconstitutional in a case involving a very similar ordinance in Los Angeles. Adopt new regulations patterned after an ordinance in a case where the appellate court ruled the ordinance constitutionally sound. Submitted by the City Attorney.

Recommended Action: After City Clerk reads by title, approve Introduction of **Ordinance No. 3500**, by roll call vote.

[Approved Introduction of Ordinance No. 3500 7-0]

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Mayor Pam Julien Houchen****(City Council) Announcement of the Appointment of Mayor Pam Julien Houchen as City Delegate and Mayor Pro Tem Debbie Cook as Alternate to the League of California Cities Annual Conference** (150.40)

Communication received from Mayor Pam Julien Houchen transmitting the following **Statement of Issue:** the Annual Conference for the League of California Cities will be held in Sacramento at the Convention Center this year from Wednesday, September 12 through Saturday, September 15, 2001. An important aspect of the annual conference is the annual business meeting when the membership takes action on conference resolutions. Each city is entitled to one vote in matters affecting municipal or League policy.

The League has requested notification no later than Friday, August 17, 2001 of the names of our City Council delegate and alternate. Traditionally the City Council has appointed the Mayor as its delegate with the Mayor Pro Tem acting as alternate unless they are unable to attend. Since both the Mayor Pro Tem and I will be attending the conference this year, I respectfully request that the Council formally appoint us as the delegate and alternate.

To that end, I would request the City Council approve the following motions:

Recommended Action: Motion to:

1. Appoint **Mayor Pam Julien Houchen** to serve as the delegate for the City of Huntington Beach at the Annual Conference of the League of California Cities, September 12 through 15, 2001;

[Approved 7-0]

and

2. Appoint **Mayor Pro Tem Debbie Cook** to serve as the alternate for the City of Huntington Beach at the Annual Conference of the League of California Cities, September 12 through 15, 2001.

[Approved 7-0]

H-2a. Submitted by Councilmember Dave Garofalo**(City Council) Request for Reconsideration of Council Action Taken at the July 16, 2001 Meeting Re: Adoption of Resolution No. 2001-43 Fixing the Fiscal Year 2001/02 Tax Rate for the City of Huntington Beach at \$0.04930 per \$100 Assessed Valuation and Impounding the Tax Revenue – Public Employees Retirement (CalPERS)/Howard Jarvis Property Tax Lawsuit (340.90)**

Communication received from Councilmember Dave Garofalo transmitting the following **Statement of Issue:** At the July 16, 2001 City Council meeting, the City Council voted 4-3 in favor of adopting Resolution No. 2001-43 fixing the Fiscal Year 2001/02 tax rate for the City of Huntington Beach at \$0.04930 per \$100 of assessed valuation and impounding the tax revenue. At this time, I am requesting reconsideration of the collection of this tax. This is primarily based on the fact that the City Administrator was not present and his public input is important.

**Attachment # 1 – Resolution No. 2001-43 which was adopted and attachment # 2 – the alternative resolution suspending the tax override are included in the agenda packet.

Recommended Action: Motion to:

Request reconsideration of the July 16, 2001 City Council decision regarding the collection of the retirement tax revenue.

[Approved to reconsider - 5-2 (Dettloff, Bauer No)]

[Resolution fixing tax rate to be presented August 20, 2001 with matter of suspending tax override included - 5-2 (Dettloff, Bauer No)]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, August 13, 2001, at 4:00 p.m., in the Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office by Mail and through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Annexes on Friday Prior to Meetings. Video Tapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**CONNIE BROCKWAY, CITY CLERK
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