

AGENDA STAFF REPORT



DATE: June 10, 2013

TO: Honorable Mayor and City Council

THRU: Jill R. Ingram, City Manager

FROM: Linda Devine, City Clerk

SUBJECT: **APPROVAL OF CITY COUNCIL MINUTES**

SUMMARY OF REQUEST:

Approve the minutes for the adjourned and regular City Council meeting of May 29, 2013.

BACKGROUND AND ANALYSIS:

This section does not apply to this item.

ENVIRONMENTAL IMPACT:

There is no Environmental Impact related to this item.

LEGAL ANALYSIS:

No legal analysis is required for this item.

FINANCIAL IMPACT:

There is no Financial Impact.

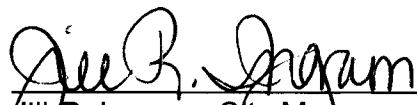
RECOMMENDATION:

Approve the minutes for the adjourned and regular City Council meeting of May 29, 2013.

SUBMITTED BY:


Linda Devine, City Clerk

NOTED AND APPROVED:


Jill R. Ingram, City Manager

Seal Beach California
May 29, 2013

Mayor Miller called the adjourned meeting of the Seal Beach City Council to order at 4:30 p.m. in the City Hall Conference Room.

ROLL CALL

Present: Mayor Miller; Council Members: Deaton, Levitt, Shanks, Sloan

City Staff: Jill R. Ingram, City Manager
Quinn M. Barrow, City Attorney
Linda Devine, City Clerk

There were no members of the public present to address the City Council. The City Clerk stated that there was a clerical error with the item numbers on the closed session agenda – the second letter "B" should be "C" and the last item should be "D".

CLOSED SESSION

The City Attorney announced that the City Council would meet to discuss the items identified on the closed session agenda: Item "A" – Public Employee Performance Evaluation – GC §54957 – City Manager; Item "B" - Conference with Labor Negotiator – GC §54957.6 (PMA-POA); Unrepresented Group (Department Heads); and City Manager; Item "C" – Conference with Legal Counsel – Existing Litigation GC §54956.9(a) – City of Seal Beal v. Ruby's Diner – Case No. 30-2013-00640596-CU-BC-CJC; and Item "D" – Conference with Legal Counsel – Anticipated Litigation GC §54956.9(b) – 1 case.

The City Attorney reported that the City Council gave direction on Item "B" - City Manager, received status report on the other agenda items, and no reportable action was taken.

ADJOURNMENT

It was the order of the Mayor, with consent of the Council to adjourn the meeting at 6:35 p.m.

City Clerk
City of Seal Beach

Approved: _____
Mayor

Attest: _____
City Clerk

Seal Beach California
May 29, 2013

The City Council met in regular session at 7:00 p.m. with Mayor Miller calling the meeting to order in the City Council Chambers and Councilman Sloan led the Salute to the Flag.

ROLL CALL

Present: Mayor Miller; Council: Deaton, Levitt, Shanks, Sloan

City Staff: Quinn M. Barrow, City Attorney
Jill R. Ingram, City Manager
Sean P. Crumby, Assistant City Manager/Public Works
Chief Joe Stilinovich, Seal Beach Police Department
Chief Joe Bailey, Marine Safety/Lifeguard
Victoria L. Beatley, Director of Finance/City Treasurer
Jim Basham, Director of Community Development
Patrick Gallegos, Administrative Manager
Linda Devine, City Clerk

APPROVAL OF AGENDA & WAIVER OF FULL READING OF RESOLUTIONS
& ORDINANCES

Deaton moved, second by Shanks, to approve the agenda as presented.

AYES: Deaton, Levitt, Miller, Shanks, Sloan

NOES: None

Motion carried

PRESENTATIONS/RECOGNITIONS

- ☆ National Beach Safety Week – June 3-9, 2013
- ☆ Orange County Fire Authority - Drowning Prevention Summer (May 27th – September 2nd)
- ☆ Orange County Sanitation District - "What 2 Flush" Campaign

ORAL COMMUNICATIONS

Mayor Miller opened oral communications. Speakers: 5 residents from Leisure World spoke in support of the request to have the City submit a TIGER Grant application; Patty Campbell, Ironwood Avenue, requested that there be more safety landscaping along Lampson Avenue; and Pat Ross, Pansy Circle, continued to speak on her concerns regarding smart meters. There being no other speakers, Mayor Miller declared oral communications closed.

CITY ATTORNEY REPORT

Quinn M. Barrow, Esq., City Attorney

No report at this time.

CITY MANAGER REPORT

Jill R. Ingram, City Manager

The City Manager brought up that the Council Policy states that a request for an item to be placed on an agenda be scheduled by the 2nd meeting following the request. The City Manager asked that the agenda item that was requested by Mayor Pro Tem Deaton at the May 13th Council meeting to discuss the municipal code section regarding benches on beach area be scheduled for June 24th – with no objections the Mayor so ordered.

COUNCIL COMMENTS

Councilman Shanks indicated that the public has a misconception about those who may qualify for the low/moderate housing and that homes in this range could be around \$600,000; Mayor Pro Tem Deaton reported that the public works yard hosted students from McGaugh school during public works week and recognized the Memorial Day ceremonies; and Councilman Levitt recognized the Veterans of Foreign Wars and American Legion during Memorial Day and thanked Graham

McAllister for his service as the District 5 representative on the Recreation and Parks Commission.

COUNCIL ITEMS

ITEM "A" / TIGER DISCRETIONARY GRANT PROGRAM (Levitt)

The Assistant City Manager/Director of Public Works provided a summary of the background information regarding the TIGER grant program. Dennis Craig, chair of the Finance Committee, from Leisure World spoke to encourage the Council to partner with Leisure World to apply for the grant by submitting the application, asked that the City commit \$500,000 to the matching funds needed, indicated that Leisure World will commit \$2M and place the funds in an escrow account, and that no funds from the City are required at this time – only if the application is approved.

After the City Council deliberated the request, Levitt moved, second by Sloan, to progress with the request and if any way possible submit the application by the deadline date (June 3, 2013). The City Attorney asked for clarification stating if Council wanted the Director of Public Works to contact the Orange County Flood Control District (OCFCD) to ask if they will participate and be the lead agency. Councilman Levitt responded that the City can only do so much at this point and need to hear from OCFCD; if they are going to turn this project down then we don't have any future; and if OCFCD gives an affirmative that they will not object to this project then can we start processing the application right away.

AYES: Levitt, Shanks, Sloan

NOES: Deaton, Miller

Motion carried

CONSENT CALENDAR

Shanks moved, second by Deaton, to approve the recommended actions on the consent calendar as presented.

AYES: Deaton, Levitt, Miller, Shanks, Sloan

NOES: None

Motion carried

*B. Approved the Minutes of the Adjourned and Regular City Council meeting of May 13, 2013.

*C. Ratified the Demands on City Treasury.

Warrants: 98247-98579	\$1,958,263.51	Year-to-Date: \$27,410,643.18
Payroll: Direct Deposits & Checks	\$699,672.72	Year-to-Date: \$7,398,818.37

Year-to-date are actual cash disbursements and do not reflect actual expenditures due to year-end accruals.

*D. Received and filed the Monthly Investment Report: April 2013.

*E. Accepted Graham McAllister's resignation from the Recreation & Parks Commission representing Council District 5; declared the position vacant; and directed the City Clerk to post the notice of special vacancy for the required ten day period.

*F. Adopted Resolution No. 6374 entitled "A RESOLUTION OF THE SEAL BEACH CITY COUNCIL APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF SEAL BEACH AND THE ORANGE COUNTY EMPLOYEES ASSOCIATION (OCEA) FOR THE PERIOD OF MAY 29, 2013 THROUGH JUNE 30, 2016".

*G. Adopted Resolution No. 6375 entitled "A RESOLUTION OF THE SEAL BEACH CITY COUNCIL DECLARING A NUISANCE AT THE RESTAURANT BUILDING ON THE SEAL BEACH PIER, DEEMING CERTAIN WORK TO BE OF URGENT NECESSITY PURSUANT TO THE CITY CHARTER AND RATIFYING THE CITY MANAGER'S DECISION

TO LET REPAIR CONTRACTS WITHOUT ADVERTISING FOR BIDS" and approved Budget Modification 13-10-02 for up to \$100,000 to abate the nuisance and unsafe conditions.

- *H. Adopted Resolution No. 6376 entitled "A RESOLUTION OF THE SEAL BEACH CITY COUNCIL AWARDED THE CONSTRUCTION CONTRACT FOR 2013 ANNUAL CONCRETE REPAIR PROGRAM PROJECT NO. ST1205" - approved the plans and specifications; awarded a construction contract to Above All Names Construction Services, Inc. in the amount of \$51,325; authorized the City Manager to approve contract changes not to exceed \$5,000; authorized \$5,000 for inspection and material testing; received and filed the 2012 Update to the Citywide Concrete Inspection Report; and approved Budget Modification No. 13-10-03 authorizing \$11,325 in additional funds for completion of the project using Gas Tax Funds.

ITEMS REMOVED FROM THE CONSENT CALENDAR

No items were pulled from the consent calendar.

With no objections, Mayor Miller called for a recess at 8:19 p.m. and reconvened the meeting at 8:31 p.m.

PUBLIC HEARING

ITEM "I" / ORDINANCE NO. 1627 / MUNICIPAL CODE AMENDMENT (MCA 13-1) / TITLE 11

Mayor Miller stated this was the time and place for the public hearing for consideration of agenda item "I" – Municipal Code Amendment 13-1; to introduce first reading of Ordinance No. 1627 amending Title 11 (zoning code) regarding senior housing, single room occupancy housing, transitional and supportive housing, emergency shelters, and off-street parking. Mayor Miller opened the public hearing.

The Director of Community Development said that the 3 code amendments before the Council are specifically related to the implementation requirements of the certified 2008 Housing Element. The consultant, John Douglas of Douglas & Associates provided an overview for the agenda item and indicated there are 5 areas that are addressed in this item: senior housing, single room occupancy housing, transitional and supportive housing, emergency shelters, and off-street parking; and pointed out a clerical error in the attached ordinance (page 3). Mayor Miller asked those members of the audience wishing to speak on this matter to come forward. There were no speakers. Mayor Miller closed the public hearing.

There being no Council comments; Deaton moved, second by Levitt, to introduce first reading of Ordinance No. 1627 entitled "AN ORDINANCE OF THE CITY OF SEAL BEACH APPROVING MUNICIPAL CODE AMENDMENT 13-1 REGARDING SENIOR HOUSING, SINGLE ROOM OCCUPANCY HOUSING, TRANSITIONAL AND SUPPORTIVE HOUSING, EMERGENCY SHELTERS, AND OFF-STREET PARKING". The City Attorney read the title for the record. Second reading and adoption is scheduled for the June 10th City Council meeting.

AYES: Deaton, Levitt, Miller, Shanks, Sloan

NOES: None

Motion carried

ITEM "J" / ORDINANCE NO. 1628 / SPECIFIC PLAN AMENDMENT SPA 13-2) / BOEING INTEGRATED DEFENSE SYSTEMS (BIDS) SPECIFIC PLAN

Mayor Miller stated this was the time and place for the public hearing for consideration of agenda item "J" – Specific Plan Amendment 13-2; to introduce first reading of Ordinance No. 1628 amending the Boeing Integrated Defense Systems Specific Plan. Mayor Miller opened the public hearing.

The Director of Community Development stated this is the second code amendment and is site specific for the 2008 Housing Element. John Douglas, consultant, stated this is an implementation requirement and would add a permitted use to the BIDS specific plan within planning area 1, 2, and 3 for an emergency shelter – this amendment would not require the property owner, the City, or anyone else to build or operate an emergency shelter within the Boeing property – this is only creating a permitted use within the specific plan – Boeing will retain complete control of the use of their property.

Mayor Miller asked those members of the audience wishing to speak on this matter to come forward. There were no speakers. Mayor Miller closed the public hearing.

There being no Council comments; Sloan moved, second by Shanks, to introduce first reading of Ordinance No. 1628 entitled "AN ORDINANCE OF THE CITY OF SEAL BEACH APPROVING SPECIFIC PLAN AMENDMENT 13-2 TO ALLOW EMERGENCY SHELTERS IN THE BOEING INTEGRATED DEFENSE SYSTEMS SPECIFIC PLAN AREA". The City Attorney read the title for the record. Second reading and adoption is scheduled for the June 10th City Council meeting.

AYES: Deaton, Levitt, Miller, Shanks, Sloan

NOES: None

Motion carried

ITEM "K" / RESOLUTION NO. 6377 / ORDINANCE NO. 1629 / GENERAL PLAN AMENDMENT / ZONING MAP AMENDMENT / 1011 SEAL BEACH BOULEVARD / RESIDENTIAL HIGH DENSITY USE

Mayor Miller stated this was the time and place for the public hearing for consideration of agenda item "K" – General Plan Amendment (GPA) 13-3 and Zoning Map Amendment (ZMA) 13-4 – Introduce first reading of Ordinance No. 1629 to designate the property at 1011 Seal Beach Boulevard (Accurate Storage) for Residential High Density use.

The Director of Community Development stated this is the last item for implementation of the 2008 Housing Element. John Douglas, consultant, provided an overview for the amendment of the General Plan and Zoning Map for the designation of Accurate Storage site for housing within the high density residential area – the existing use of the property will remain indefinitely (light industrial) and the action taken would not require the property owner to redevelop the property for residential use but would permit the owner do so. Mr. Douglas stated that the Planning Commission did not adopt a recommendation to the City Council (no consensus) – under the municipal code failure of the Commission to adopt a resolution shall be deemed to be a recommendation of approval (MC §11.5.15.202.2.a).

Mayor Miller asked those members of the audience wishing to speak on this matter to come forward. Speakers: 8 members of the audience spoke in opposition of the Accurate Storage site being designated for low/moderate housing; and the attorney and property owner were present to support staff's recommendation. There were no other speakers. Mayor Miller closed the public hearing.

The City Council discussed the concerns related to the public hearing and received clarifications of the ramifications of not approving the code amendment.

Sloan moved, second by Levitt, to adopt the Mitigated Negative Declaration for the project and adopt the Mitigation Monitoring and Reporting Program.

AYES: Levitt, Miller, Shanks, Sloan

NOES: Deaton

Motion carried

Sloan moved, second by Levitt, to adopt Resolution No. 6377 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAL BEACH APPROVING GENERAL PLAN AMENDMENT 13-3 TO DESIGNATE THE PROPERTY LOCATED AT 1011 SEAL BEACH BOULEVARD FOR RESIDENTIAL HIGH DENSITY USE".

AYES: Levitt, Miller, Shanks, Sloan
NOES: Deaton

Motion carried

Sloan moved, second by Levitt, to introduce first reading of Ordinance No. 1629 entitled "AN ORDINANCE OF THE CITY OF SEAL BEACH APPROVING ZONING MAP AMENDMENT 13-4 TO DESIGNATE THE PROPERTY LOCATED AT 1011 SEAL BEACH BOULEVARD FOR RESIDENTIAL HIGH DENSITY USE". The City Attorney read the title for the record.

AYES: Levitt, Miller, Shanks, Sloan
NOES: Deaton

Motion carried

Deaton moved, second by Shanks, to direct staff to study the feasibility of the Boeing site planning area as the designated site for low/moderate housing. Staff clarified that this study would take several months to complete and would need to contact Boeing to discuss the possibility. The City Attorney clarified that the Council would like staff to continue with the process in order to comply with the 2008 Housing Element.

AYES: Deaton, Levitt, Shanks, Sloan
NOES: Miller

Motion carried

The Mayor so ordered that the second reading of Ordinance 1629 and the Boeing feasibility status report for discussion be scheduled for June 24, 2013.

UNFINISHED/CONTINUED BUSINESS

No items at this time.

NEW BUSINESS

No items at this time.

ADJOURNMENT

With no objections, Mayor Miller adjourned the City Council meeting at 9:40 p.m. to Tuesday, June 4, 2013 at 5:30 p.m. to meet for Fiscal Year 2013/2014 Budget Study Session.

City Clerk
City of Seal Beach

Approved: _____
Mayor

Attest: _____
City Clerk

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