

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

Monday, May 06, 2002
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

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

City Council/Redevelopment Agency Meeting Roll Call

Present: Green, Dettloff, Cook, Houchen, Boardman (Bauer, Winchell arrived 5:05 p.m.;
Houchen arrived 5:08 p.m.)
Absent: None

**(City Council/Redevelopment Agency) Study Session – Presentation Made by the
Administrative Services Department and Consultant Diehl, Evans & Company, LLP -
Reviewed Comprehensive Annual Financial Audit - Directed Staff to Research the City's
Options Regarding (1) Emerald Cove Subsidized Rentals, and (2) Full Cost Recovery of
Trash Fees (300.20)**

City Administrator Silver introduced Administrative Services Director Clay Martin, Finance Director Dan Villella, Principal Accountant Robert Sedlak and Diehl Evans Certified Public Accountant/Partner Bob Callahan.

City Administrator Ray Silver referred to Page vi of the *Comprehensive Annual Financial Report*, which was listed in the agenda packet. He announced that the retail spending for the city has increased by approximately 47% over the past five years.

Director Clay Martin and CPA Callahan provided a summary report on the city's annual financial audit.

Finance Director Dan Villella presented the scope and opinion of Diehl, Evans & Company to which he referred from the following Study Session Packet communications:

- 1) Letter from Diehl, Evans & Company, LLP dated March 6, 2002;
- 2) Inter-Departmental Communication Dated May 1, 2002 from the Administrative Services Director Re: *Staff Responses to Management Letter from Diehl, Evans & Company*;
- 3) PowerPoint Presentation titled *City of Huntington Beach Comprehensive Annual Financial Report for the Year Ended September 30, 2001*;
- 4) A report dated September 30, 2001 and titled *Comprehensive Annual Financial Report – with Report on Audit by Independent Certified Public Accountants* is available for public review in the City's Clerk's Office.

Finance Director Dan Villella proceeded with the aforementioned PowerPoint Presentation included in the agenda packet.

Director Villella referred to Page No. SS-3.5 and SS-3.6 of the slide report and spoke relative to the Independent Auditor's Report. He defined the different types of financial audit opinions.

Director Villella reported on the findings from the section titled *Responses to Management Letter* on Page Nos. SS-3.7 through 3.9. He summarized that the staff and auditors are satisfied that there are no material problems, only areas of improvement needed.

Director Villella informed Council that the inventory referred to on Page No. SS-3.10 involves the Public Works City Yard Division and that staff agreed to more frequent inventories.

Principal Accountant Robert Sedlak verified for Director Villella that the Redevelopment Agency loans receivable referred to on Page No. SS-3.10 is now complete.

Director Villella announced that the Government Accounting Standards Board Statement (GASB 34) referred to on Page No. SS-3.11 is a major new accounting pronouncement that will affect all of the city's financial statements.

Principal Accountant Sedlak added that he would check the city's inventory of assets for compliance.

Director Villella referred to Page Number SS-3.14 of the Power Point report stating that the city received a *Certification of Achievement for Excellence in Financial Reporting*. Administrative Services Director Clay Martin announced that the city has received this award for the past 17 years.

Council Member Green inquired regarding the contents of the above referenced *Independent Auditor's Report* from Diehl, Evans & Company. CPA Bob Callahan responded by reiterating from the communication, which sets forth there are no material misstatements. He provided reasons why the firm cannot issue an unqualified opinion.

Mayor Pro Tem Bauer referred to page v in the *Comprehensive Annual Financial Report* and stated that the graph is not a good representation of the city's current financial situation. He also commented on Page Nos. vi and x as to his concerns relative to whether or not the Cultural Affairs Fund pertains to the operation of Library Services and not the City's Art Center. Director Villella responded that the Library falls into an Enterprise Fund.

Mayor Pro Tem Bauer stated his belief that in the past, the city had a strategic plan establishing financial guidelines. Director Villella responded that he would furnish the information in a transmittal letter.

City Administrator Silver suggested that staff include a financial policy that the Council can approve and adopt for the next fiscal year.

Council Member Boardman inquired if there are any items left uncorrected from the last audit year. Director Villella responded that there is one uncorrected item in grants and another in bank reconciliation, but that some improvement has been made. Council Member Boardman inquired as

to how many instances were discrepancies in inventory found. Director Villella stated he would furnish this information.

Director Villella reported with regard to the Enterprise Fund, stating that the city is dealing with senior exemption rates pertaining to refuse and that Director Martin is looking into a fee study for full cost recovery of trash fees.

City Administrator Silver mentioned Emerald Cove, which he stated is subsidized by the city, and that the rents are extraordinarily low. Mr. Silver spoke of the need to look at the city's options.

Council directed staff to reconcile the above-mentioned two issues regarding full cost recovery of trash fees and Emerald Cove subsidized rentals.

Motion to Recess to Closed Session – Approved

By unanimous consent of Council with all members present, none absent, Council recessed to Closed Session on the following items:

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(c) to confer with its city attorney regarding pending litigation based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: One. Subject: **In the matter of the Joint Application of Southern California Edison Company (U 338-E) for Authority to Sell Fuel Oil Pipeline Facilities – Application 02-03-035.** (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 **Logan W., a minor, by and through his Guardian ad Litem, Geoffrey W., Geoffrey W. and Jerilynne W., individually, v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 01CC05234. Subject: **Logan W., a minor/Geoffrey W., et al. 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 **Tierrasanta v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 775993. Subject: **Tierrasanta v. City of Huntington Beach.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting - 7:00 P.M. - Council Chambers

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on May 6, 2002 (Pursuant to Government Code §54957.1(a) (2) – Authorized Intervention in the Initiation of Litigation *in Re:* Joint Application of Southern California Edison Company to Sell Fuel Oil Pipelines to Pacific Terminals Application 02-03-035 (120.80)

City Attorney Gail Hutton reported out that on Monday, May 6, 2002, the City Council convened in closed session to discuss whether to initiate litigation regarding the matter of the Joint Application of Southern California Edison to sell oil pipeline facilities – Application 02-03-035.

The City Council voted unanimously with no members absent, to authorize the City Attorney to intervene "In the Matter of the Joint Application of Southern California Edison and Pacific Terminals LLC for Southern California Edison to Sell Fuel Oil Pipeline Facilities to Pacific Terminals, California Public Utilities Commission Application No. 02-03-035."

City Council- Redevelopment Agency Roll Call

Present: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
Absent: None

Pledge of Allegiance – Girl Scout Brownies, Troop 324, Hopeview School, Huntington Beach, Sandy Smallshaw, Leader.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Slide show presentation submitted by the Fire Chief/Information Systems Director to the City Clerk's Office on May 6, 2002 titled *Municipal Services Statement – Implementing "Better Business Practice" – Consent Item E-16*.

Slide show presentation dated May 6, 2002 from Shari Freidenrich, City Treasurer, titled *March Treasurer's Report*.

Communication dated May 2, 2002 from the City Attorney's Office transmitting a copy of the citation form. Communication titled *Late Communication; Agenda Item D-1 City Council Meeting 5/6/02 Administrative Public Hearing – Adopt Resolution No. 2002-30 Approve Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations*.

Communication dated May 6, 2002 from the Economic Development Department transmitting a request to continue open the public hearing to the June 3, 2002 City Council meeting. Communication titled *Late Communication – Item D-3*.

Communication from the Law Firm of Palmieri, et al., dated April 15, 2002 presenting their objections to the proposed reconsideration relative to roadway improvements of the Holly-Seacliff Area of Benefit District 1.

Second communication from the Law Firm of Palmieri, et al., dated May 6, 2002 re-transmitting the above communication dated April 25, 2002.

Slide show presentation dated May 6, 2002 from Community Services Department titled *Huntington Central Park Dog Park*.

Communication dated May 6, 2002 from the City Attorney's Office transmitting further information regarding the establishment of a Charter Revision Committee. Communication titled *Late Communication Re F-4 for on Council Agenda Regarding Establishment of a Charter Revision Committee to Study Councilmanic Districting, etc*.

Communication dated May 5, 2002 from Peter & Prudence Jantz transmitting their opinion regarding the City Council proposing the appointment of a "Citizen Committee" to study the proposed City Charter Amendment. Communication titled *Agenda Item F-4*.

Communication dated May 6, 2002 from Bob Polkow transmitting objection to the proposed recommended action. Communication titled *City Council Agenda Item F-4, 5 May 2002*.

Communication submitted to the City Clerk's Office on May 6, 2002 by Domenic Lorfino transmitting opposition to the proposed recommended action.

Communications dated May 6, 2002 from Kenneth and Betty Rosser transmitting opposition to Agenda Item F-4.

Communication submitted to the City Clerk's Office on May 6, 2002 by Bill Montgomery transmitting opposition to the proposed recommended action. Communication titled *Agenda Item F-4*.

Communication dated May 6, 2002 from Joseph Jeffrey transmitting opposition to the proposed recommended action.

Communication dated May 6, 2002 from Brad White transmitting opposition to Agenda Item F-4. Communication titled *Item F-4*.

Communication dated May 6, 2002 from Cari Swan transmitting opposition to the proposed recommended action. Communication titled *Agenda Item F-4, 5/6/02 City Council Meeting*.

Communication dated May 6, 2002 from CL Estrada transmitting opposition to the proposed recommended action. Communication titled *Agenda Item F-4*.

Communication submitted to the City Clerk's Office on May 6, 2002 by Rachele Carmony transmitting opposition to the proposed recommended action.

Presentation – By Mayor Debbie Cook to Huntington Beach Police Chief Ronald E. Lowenberg, the 2001 Governor's Award for Excellence in Peace Officer Training in the Lifetime Achievement category. A video clip of Chief Lowenberg accepting the award was presented. (160.40)

Presentation – By Mayor Debbie Cook to Christopher Rathkey, a Commendation for saving a 14-month old child from drowning on Sunday, February 17, 2002. (160.40)

Presentation – To Mayor Debbie Cook, John Tillotson and David Biggs, Director, Economic Development Department, by Susan Georgino, Board Member of the California Redevelopment Association, CRA 2002 Award of Excellence the City for the Plaza Almeria project. (160.40)

Presentation – To Mayor Debbie Cook by George Cross of the Huntington Beach Community Clinic, of the Mayor's Duck that will compete in the Duck-A-Thon off the Huntington Beach Pier on Saturday and Sunday May 18 and May 19, 2002. (160.40)

Presentation – By Mayor Debbie Cook, to Simple Green Adopt-A-Beach Participants, checks for their dedicated cleaning of the city beaches. Assisting the Mayor will be Ron Hagan, Director, Community Services, Tim Turner, Crew Leader, Beach Maintenance Division, and

Fred Waterfall, Public Relations Director, Simple Green. Community Services Director Ron Hagan received an award from Simple Green for his leadership in the Adopt-A-Beach Program. (160.40)

Following is the list of participants:

Affiliation	Name	Tower(s)
Bolsa Chica Land Trust	Wayne Wolf	#16 to #18
Costa Mesa High/Golden West College Transition Class	Patty McGehee	#5 to #7
Council on Aging	Don Grizwold	#8 to #10
Cub Scout Pack #278	Patrick Justice	#5 to #7 Reassigned
Cub Scout Pack #284	Lisa Campana	#10 to #12
Cub Scout Pack #290	Cindy Perez	#7 to #9 Reassigned
Cub Scout Pack #470	Rondi Nuno	#2 to #4 Reassigned
Dwyer Surf Class	Barry Deffenbaugh	Pier to #4
HB Adult Service Dog Raisers	Wilma Cotting	#18 to #20
Huntington Beach Exchange Club	Rick Talbot	#3 to #5
Huntington Beach High School CA Scholarship Fed.	Jeff Button	#14 to #16
Huntington Beach High School Surf Team	Andy Verdone	Pier to #3
Huntington Harbour Philharmonic Juniors	Michael Morton	#12 to #14
IOJD/Bethel 56	Susan Gant	#4 to #6 / sand areas on both sides of apartments
Mesa View Middle School	Linda Hayward	#7 to #9
Orange Coast College DMS	Lori Barman	#9 to #11
Westminster High School French Club	Mr. Kadmiri	#6 to #8
Westminster High School Band	Janet Colley	Huntington Harbour Beaches
West County Family YMCA	Gary Henry	#16 to #18 Reassigned

(City Council) Report by Assistant City Administrator on Procedures for Removal of Nuisance Spano Property) (570.60)

Assistant City Administrator William Workman spoke regarding the Consent Calendar agenda item relative to the Spano property. He reported on the proposal and provided demolition timelines. Assistant City Administrator Workman stated that reimbursement to the city will come from the immediate property owners and the neighboring St. Peter's by-the-Sea Presbyterian Church.

Public Comments

Lydia Stein spoke in support of a new Senior Citizen Center due to overcrowding in classes. Ms. Stein urged Council to consider a new center.

Mary Jo Jeffes spoke in support of a new Senior Citizen Center due to the growing senior population.

Dick White, Council on Aging representative, requested that Council conceptually approve a new Senior Citizen Center.

Dale Dunn, Vice President, Council on Aging, stated his support for a new Senior Citizen Center.

Michael Ramsey objected to the return of the agenda item on Holly Seacliff Area Benefit District. Mr. Ramsey informed Council that property owners were not notified of Council's decision to bring this issue up again.

Debbie Borden stated that she is against the absence of prayer at the council meetings.

John Toay, Pastor of Saint Peter's by-the-Sea Presbyterian Church, spoke in favor of the proposed Spano residence Nuisance Abatement Fund and urged Council to approve this item.

Mildred Hayes opposed any mobile home park rent annual increases of over 3%.

Elinor Mattson stated her belief that the hours for the Dog Park are the problem, and not the noise. Ms. Mattson stated that she does not see the need to move Dog Park.

Kay Gustafson, Esquire, representing Saint Peters by-the-Sea Presbyterian, strongly urged Council approval of the clean up of the Spano property so that the church can go forward with its plans and reimburse the city for the cost.

Carl Kirkconnell spoke in favor of the Spano property demolition. Mr. Kirkconnell related an incident in which teenage girls were frightened by a derelict living there.

Tom Minton supported the Spano house demolition project, stating that the property is a blight on the community.

Roy Thomasson presented the format of the Surf City International Film Festival. Mr. Thomasson stated that sponsors and donors are still needed for the August 2002 event, which benefits several charities, including Project Self Sufficiency.

Bob Gibbons, St. Peter's by-the-Sea Presbyterian Church representative, spoke in favor of the Spano property clean up.

Wendy Weber informed Council that she is speaking on behalf of St. Peter's by-the-Sea, and as a neighbor of the Spano property, to urge Council to vote yes on the demolition project.

Alan Reid cited Municipal Code Section 7.12.070 pertaining to noisy animals, and stated Dog Park should be relocated because the city is in violation of this code.

Maxwell J. Smith requested that Council move Dog Park to another location. Mr. Smith stated that it is the pitch, which is causing the noise disturbance.

Denise Smith urged Council to relocate Dog Park. Ms. Smith stated that the constant barking interferes with the quality of life in the neighborhood.

Chuck Scheid requested Council to delay the contract with Camp Dresser & McKee, Inc. for development of a city wide stormwater utility, as he believes the State should fund this program, not the city.

Frank Caponi stated that the City's Environmental Board recommends noise barriers and addressed the noise issues in regards to Dog Park. Mr. Caponi requested that Council vote not to move the Park at this time.

Don Thomas favored moving the Dog Park to a permanent site, not a temporary one. Mr. Thomas stated the Shipley Nature Park is not a good location, for the reason that the aesthetic attractiveness of the nature park will be destroyed.

Curt Jones stated that he is in favor of the Spano property demolition.

Devin Dwyer spoke against the expenditure of \$50,000 relative to the item on the agenda regarding the proposed Charter Amendment petition being circulated to establish Council districts. Mr. Dwyer informed Council that he is involved in the process of gathering signatures on the Charter Amendment petition.

Don McGee stated that Dog Park should be moved. Mr. McGee questioned the effectiveness of the decibel meter used for monitoring sound.

James Kerr stated over 75% of the people who spoke at the April 15, 2002 meeting in favor of prevailing wage were from other cities. He informed Council that he is a non-union contractor who provides health, vision, vacation, and sick leave benefits. Mr. Kerr stated that he could have brought many more persons to oppose the prevailing wage item on the last agenda but had kept it to only three speakers.

Cathy Richmond inquired as to the need for Dog Park. Ms. Richmond stated there is Dog Beach and dog walkers can walk their dogs on leashes in Huntington Central Park.

Jean Nagy, Environmental Board Chair, requested that Council not approve a relocation of Dog Park to the Shipley Nature Center site.

Joseph Jeffrey commended Council for the agenda item on the citizen's committee to study the proposed Charter Amendment petition relative to districting. He spoke regarding sections of proposed City Council Resolution No. 2002-43. Mr. Jeffrey inquired why it is recommended that an outside consultant is needed when staff can handle the matter.

Manny Rothstein stated his approval of the proposed Charter Amendment petition; that districting would allow for good representation. Mr. Rothstein suggested letting the citizens decide at the polls.

Eileen Murphy opposed the reduction of Council from seven to five members as proposed in the Charter Amendment petition being circulated.

Susan Ross requested Council to keep Dog Park where it is. Ms. Ross stated that she finds going to the park as a good outlet after a day's work at a difficult job.

Mike Bledsoe spoke in favor of keeping Dog Park at its current location. Mr. Bledsoe stated that relocating to an alternative site would not represent the community's best interests.

Joey Racano informed Council that the people circulating the Charter Amendment petition relative to Council districts are paid signature gatherers. He spoke in opposition to the proposed Charter Amendment. Mr. Racano also invited everyone to join him on May 22, 2002 at 7:00 P.M. at the Orange County Sanitation District facility to support the Clean Water Act and request the ban of the Federal Section 301-H waiver.

Doug Korthof spoke relative to sewage waste and invited everyone to check the website, stophthewaiver.com to get information about the ocean outfall. (Dr. Korthof brought a videotape film on the Goleta plume, but was unable to show it due to technical difficulties.)

Kurt Meyer informed Council that the Best Friend Dog Park is a very special part of his life and spoke in favor of extended hours.

Laura Garay, Chair, Best Friend Dog Park Foundation Board, presented a brief video of Dog Park. She requested Council to have the Dog Park remain at its present location. Ms. Garay expressed her belief that vegetation absorbs the barking sounds.

Sherry Hollander urged Council to vote to relocate Dog Park. She spoke regarding the Dog Park Foundation's recommendation for noise mitigation. She cited the ordinance relating to noisy animals. Ms. Hollander stated that a Dog Beach is available to the public.

Richard Whissen, Best Friend Dog Park member, spoke in favor of Dog Park staying at its current location.

Keith Bohr spoke in support of public discourse on the proposed Charter Amendment, but stated his belief that the \$50,000 is an unnecessary expenditure. Mr. Bohr opposed the Council reduction from seven to five members.

Nick Tomaino spoke on behalf of the Community Services Commission. He requested the Council to keep Dog Park where it is on an interim basis, and then move it to the former police gun range as soon as it is remediated.

Bart Hollander stated his belief that the proposed extended hours for the Dog Park would exacerbate the nuisance issue.

Al Zelaya urged Council to approve the Community Services Commission's recommendation to keep Dog Park at its present location.

Wendy Brewer expressed her belief as to the desirable benefits of Dog Park to the community and requested that it remain at its current site. Ms. Brewer rebutted the claims of constant noise but stated her approval of installing sound barriers.

Mona Fine requested that Council maintain Dog Park at its current location. Ms. Fine stated that Dog Beach does not have the same atmosphere; it is a different environment from the peaceful greenery of Dog Park.

Norm Westwell stated in his opinion that Council made a bad decision last month in maintaining payment of prevailing wage rates. Mr. Westwell spoke in favor of privatization.

Jim Kilroy spoke in favor of extending the hours of operation of Dog Park in order to accommodate people driving in from other cities to use the park.

Mayor Cook announced Police Appreciation Day and Open House to be held on Saturday, May 18, 2002.

(City Administrator's Report) Department Highlight Presented by the Public Works Department on the City's Monthly Municipal Services Billing Statements and Water Meter Reading Cycles (1000.10)

City Administrator Ray Silver introduced Deputy Public Works Director Paul Emery, who presented the PowerPoint slide report that had been announced earlier by the City Clerk as a Late Communication. Deputy Director Emery provided a brief summary of the proposed changes to the city's monthly Municipal Services billing statement and water meter reading cycles, which is on the agenda as a Consent Calendar item.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's March 2002 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for March 2002.

Treasurer Freidenrich presented the PowerPoint slide report announced as a Late Communication earlier in the meeting by the City Clerk. City Treasurer Freidenrich demonstrated through the slide report bar graphs, how the majority of the bonds are Triple-A rated. Treasurer Freidenrich spoke regarding liquidities, and informed Council that the city's investment portfolio is in compliance.

A motion was made by Houchen, second Green 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 March 2002*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Continued Open from April 15, 2002 – Administrative Public Hearing Held – Adopted Resolution No. 2002-30 – Approved Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cook announced that this was the time scheduled for an administrative public hearing, which had been opened and continued open from April 15, 2002.

The City Council considered a communication from the City Attorney and the City Treasurer setting forth that said hearing is required by the California Government Code Section 38773.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

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

The staff report further sets forth that this administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting.

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

City Attorney Gail Hutton reported relative to the property owners' appeal rights and how the appellate process works. City Attorney Hutton referred to the Late Communication announced earlier by the City Clerk, which transmits a copy of the citation form.

The City Clerk restated for the record the aforementioned communication, which pertains to this public hearing. The Late Communication is titled *Late Communication; Agenda Item D-1 City Council Meeting 5/6/02 Administrative Public Hearing – Adopt Resolution No. 2002-30 Approve Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations*.

Mayor Cook declared the administrative public hearing open.

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

A motion was made by Green, second Dettloff to adopt **Resolution No. 2002-30** entitled "A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations." The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Houchen, Winchell

NOES: None

ABSENT: None

ABSTAIN: Cook, Boardman

(City Council) Administrative Public Hearing Held to Hear Protests Regarding Weed Abatement – Rubbish and Refuse Abatement – Staff Directed to Identify if Parcels are in the Wetlands Areas (Ellis Avenue and Quarterhorse Parcels) (520.80)

Mayor Cook announced that this was the time scheduled to consider an administrative public hearing to receive objections and protests to the proposed removal of weeds, rubbish, and refuse upon certain streets, sidewalks, parkways, and private property in the city. This hearing is held pursuant to **Resolution No. 2002-15** adopted March 18, 2002.

Public Works Director Robert F. Beardsley reported from the PowerPoint Presentation submitted by his department titled *Annual Weed, Rubbish and Refuse Abatement Program*, which was included in the agenda packet.

Council Member Boardman questioned if the Ellis Avenue and Quarterhorse addresses listed on Page No. D-2.8 of the staff report are located in any undeveloped portion of Huntington Central Park that may be a wetlands area. She expressed concern that the properties should not be weed-abated. Council Member Boardman requested maps of the parcels.

Public Works Director Robert F. Beardsley responded that he will ascertain for a fact that the properties south of Ellis Avenue are privately owned and not wetlands, which he believes to be the case. Director Beardsley stated that future staff reports of public hearings for weed abatement will include parcel maps of such areas, if available.

Mayor Cook declared the administrative public hearing open.

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

A motion was made by Dettloff, second Bauer to authorize the Street Superintendent (i.e. Public Works Director) to proceed with abatement of said nuisance. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Public Hearing Opened and Continued Open to June 3, 2002 to Consider Approval of the Formation of and Calling for Special Election for City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park Improvement Areas A & B) – Continued to Consider Adoption of Resolution Nos. 2002-38 through 2002-41 Inclusive and to Consider Approval of Introduction of Ordinance No. 3557 (350.30)

Mayor Cook declared that this was the time scheduled for a public hearing to consider approval of Boeing's request for city assistance in the formation of a Community Facilities District (CFD) for the McDonnell Centre Business Park second phase to allow Boeing land to be marketed competitively with other industrial properties with CFDs already in place throughout the region. The staff report sets forth that the area is divided into two parts, Area A and Area B, and Boeing has requested funding authority for both areas in an amount of not to exceed \$13,000,000. Boeing is the sole owner of the affected properties.

The Public Hearing notice sets forth that on April 1, 2002, the City Council of the City of Huntington Beach adopted a Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Incur Indebtedness of the Proposed City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park)." Pursuant to the provisions of Chapter 3.56 of the Municipal Code of the City of Huntington Beach and, as applicable, the Mello-Roos Community Facilities Act of 1982, the City Council of the City of Huntington Beach hereby gives notice as follows:

The staff report sets forth that the text of said Resolution No. 2002-27 is as follows: Whereas, this City Council has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Establish a Community Facilities District and To Authorize the Levy of Special Taxes Therein," stating its intention to form a community facilities district pursuant to the provisions of Chapter 3.56 (commencing with Section 3.56.010) of the Municipal Code of the City of Huntington Beach and, as applicable, the Mello-Roos Community Facilities Act of 1982 (collectively, the "Law"), for the purpose of financing a portion of the costs of certain public improvements (the "Facilities"), as further provided in said Resolution; and this City Council estimates the amount required for the financing of a portion of the costs of the Facilities to be the sum of \$11,000,000; and in order to finance said Facilities it is necessary to incur bonded indebtedness for each improvement area identified below as "Area A" and "Area B" in the amount of not to exceed \$13,000,000.

Section 2. The bonded indebtedness for each improvement area described in Section 1 is proposed to be incurred for the purpose of financing a portion of the costs of the Facilities, including costs incidental to or connected with the accomplishment of said purpose and of the financing thereof.

Section 3. This City Council, acting as legislative body for Area A, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of \$13,000,000, bearing interest payable semi-annually or in such other manner as this City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds. This City Council, acting as legislative body for Area B, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of \$13,000,000, bearing interest payable semi-annually or in such other manner as this City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds.

Section 4. Monday, May 6, 2002, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2000 Main Street, Huntington Beach, California, be, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for each improvement area described in Section 1, will conduct a public hearing on the proposed debt issue for each of the improvement areas and consider and finally determine whether the public interest, convenience and necessity require the issuance of bonds of the City of Huntington Beach for each respective improvement area.

Any person interested, including persons owning property in the area of the proposed community facilities district, will be heard upon the proposed debt issue.

The formation of the Community Facilities District requires various sequential steps to be taken by the City Council set forth by state law.

City Administrator Ray Silver referred to the Late Communication announced earlier in the meeting by the City Clerk dated May 6, 2002 from the Economic Development Department transmitting a request to continue open the public hearing to the June 3, 2002 City Council meeting. The City Clerk restated for the record as pertaining to this public hearing, the communication titled *Late Communication – Item D-3*.

A motion was made by Green, second Winchell, to open, and **continue the public hearing open, to June 3, 2002**. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Resolution No. 2002-33 for Local Coastal Program Amendment No. 02-01 and Requesting Its Certification by the California Coastal Commission (Zoning Text Amendment 97-01 – Residential District Standards – Ordinance 3410) (440.50)

(City Council) Schedule and Amendments to Agreements Between the City and PLC (the Developer) for Proposed Holly-Seacliff Area Benefit District Modifications to Street Frontage/Right-of-Way Provisions to Return to Council on June 17, 2002 (350.30)

(City Council) City Council Positions on Legislation Pending Before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee (640.90)

(City Council) Additional Funding to the Nuisance Property Abatement Fund and Authorize the Execution of a Contract (in Substantially the Same Form as Sample Contract) to Facilitate the Abatement of a Nuisance Property (Spano Residence – 16911 Bolsa Chica Street) (570.60)

Consent Calendar – Items Approved

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

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular meetings of March 18, 2002, April 1, 2002, and April 15, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved (1) Affordable Housing Declaration of Conditions, Covenants & Restrictions and (2) Deed of Trust for 31/35/39 Huntington Inc. (Three Unit Condominium Project – w/o Huntington and n/o Main Streets) (Tentative Parcel Map 01-151 – Holly-Seacliff Specific Plan) 18831 Huntington Street (600.10) – Approved the *Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* (**Attachment No. 1**) and the *Deed of Trust with Assignment of Rents (Long Form)* (**Attachment No. 2**) by and between the City of Huntington Beach and 31/35/39 Huntington Inc. and authorized the Mayor and City Clerk to sign, execute and record. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved Fourth of July Celebration Proposed Budget - Adopted Resolution No. 2002-34 Authorizing Closure of Various City Streets and Adopted Resolution No. 2002-35 Requesting CALTrans Approval of Closure of Pacific Coast Highway (800.60) – 1. Approved the 2002 Fourth of July proposed parade budget as presented by the Fourth of July Executive Board, not expected to exceed \$221,250; and 2. Adopted **Resolution No. 2002-34** – “*A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July;*” and **Resolution No. 2002-35** - “*A Resolution of the City Council of the City of Huntington Beach Requesting CALTrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Fourth of July Parade.*” Submitted by the Community Services Director. Funding Source: Fourth of July Business Unit Account \$221,250, to be reimbursed from Fourth of July fund-raising activities. Expected revenue: \$261,000.

(City Council) Approved Office of Criminal Justice Planning (OCJP) Grant for Fourth Year Funding for Violence Against Women/Domestic Violence Program (340.80) – 1. Accepted the grant titled *Standard Agreement, Contract No. LE97016860* between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and 2. Approved the appropriation of \$90,000 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the Office of Criminal Justice Planning; and 3. Authorized the expenditure of funds not to exceed \$120,000 to pay for contract counseling services, a portion of a detective’s salary and some operating costs. Submitted by the Chief of Police. Funding Source: A 25% City match of \$30,000 from the Police Department’s 2001-2002 budget, General Investigations-General Fund Account is required.

(City Council) Accepted Bid and Awarded Construction Contract to Sancon Engineering II, Inc. for the Old Town Sewer Lining Project, Phase III; CC-1180 (Community Development Block Grant Program) (600.60) – 1. Accepted the lowest responsive and responsible bid submitted by Sancon Engineering II, Inc. in the amount of \$347,827.45 and the additive alternate bid in the amount of \$21,710.85 for a total of \$369,538.30; and 2. Authorized the Mayor and City Clerk to execute a contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: \$391,137 – Community Development Block Grant (CDBG) FY 01-02 Funds, Old Town Sewer Project, Sewer Improvements Account.

(City Council) Approved Plans and Specifications and Authorized Advertisement of Bids for the Overmyer Reservoirs Rehabilitation Project – Phase 2; CC-1104 (600.75) – Approved the plans and specifications and authorized the Director of Public Works to request bids for the Overmyer Reservoirs Rehabilitation Project – Phase 2; CC-1104. Submitted by the Public Works Director. Funding Source: \$7,500,000 – Water Master Plan Fund, Overmyer Reservoir, Water Improvements Account.

(City Council) Authorized Additional Funding Expenditure for Yorktown Avenue Widening Project, CC-1017 (RJ Noble Company) (600.50) – **1.** Authorized the transfer of \$215,000 from the Water Main Replacement Account to Measure M Fund as repayment for water line construction costs; and **2.** Authorized an additional \$110,000 in construction contingency expenditures to complete the work for the Yorktown Street Widening Project, CC-1017. Submitted by the Public Works Director. Funding Source: \$215,000 – Water Fund, Water Main Replacement Account. \$110,000 – Measure M Fund, Yorktown Widening, Street Improvements.

(City Council) Adopted Resolution No. 2002-37 Granting Wage Increase for Non-Permanent Employees Effective May 11, 2002 (720.20) – Adopted **Resolution No. 2002-37** – “A Resolution of the City Council of the City of Huntington Beach Granting Wage Increases to Non-Permanent, Unclassified Employees, Effective May 11, 2002.” Submitted by the Administrative Services Director. Funding Source: Fiscal year 2001/ 2002 budget; annual cost is dependent on seasonal hours worked, estimated at approximately \$80,000.

(City Council) Approved a Reimbursement Agreement with Makallon Atlanta Huntington Beach, LLC for Preparation of the Entitlement and Environmental Documentation for the Pacific City District 7 & 8a Project (31-Acres Bounded by Pacific Coast Highway/First Street/Huntington Street/Atlanta Avenue) (600.10) – Approved and authorized the Mayor and City Clerk to execute the Reimbursement Agreement with Makallon Atlanta Huntington Beach, LLC for Preparation of Environmental Documentation for the Pacific City Project – *Reimbursement Agreement between the City of Huntington Beach and Makallon Atlanta Huntington Beach, LLC for Costs Incurred for Pacific City Project Entitlement and Environmental Processing.* Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved Acceptance of Grant Award – County of Orange Supplemental Law Enforcement Service Fund Grant (SLESF-FY-2001-02) – Police Department Computer Aided Dispatch/Records Management System (CAD/RMS) (340.70) – **1.** Accepted the grant award of \$387,771.73 from the County of Orange SLESF for funding cycle year 2001/2002; and **2.** Authorized the Chief of Police to expend \$387,771.73, plus any accrued interest on technology associated with the Computer Aided Dispatch/Records Management System (CAD/RMS) for the Police Department. Submitted by the Chief of Police. Funding Source: No match is required for this grant.

(City Council) Adopted Resolution No. 2002-42 to Approve the Application for Grant Funds from the Solid Waste Disposal Site Cleanup Trust Fund for Water Quality Improvements to the Bolsa Chica Wetlands (340.80) – Adopted **Resolution No. 2002-42** – “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds from the Solid Waste Disposal Site Cleanup Trust Fund.” Submitted by the Public Works Director. Funding Source: No funds are required at this time.

(City Council) Approved Monthly Municipal Services Billing Statements and Monthly Meter Reading – Approved Water Fund Appropriation – Amended Public Works Department Table of Organization (1000.10) – **1.** Directed staff to implement monthly Municipal Services Billing Statements based on monthly meter readings; and **2.** Appropriated a total of \$100,000 from the undesignated, unappropriated fund balance of the Water Fund to the following Public Works Water Division accounts: \$28,000 in Personnel Account 50685805.51110 for salaries and \$10,000 in Personnel Account 50685805.55000 for benefits; \$12,000 in Equipment Account 50685805.83700, for meter reading equipment and \$50,000 in Equipment Account 50685805.85100 for vehicles; and **3.** Amended the Water Division Table of Organization increasing the number of meter readers by two. Submitted by the Director of Public Works, Fire Chief/Information Systems Director and the City Treasurer. Funding Source: \$100,000 – undesignated, unappropriated Water Fund balance to the Public Works Water Division’s personnel and operating accounts is recommended to provide monthly billing statements based on monthly meter readings.

(City Council) Authorized Contract with Camp Dresser & McKee, Inc. (CDM) for Development of a City Wide Stormwater Utility (600.10) – Authorized the City Administrator to execute a contract with CDM for professional services leading to formation of a citywide stormwater utility. Submitted by the Director of Public Works. Funding Source: \$75,600 – General Fund – Coastal Remediation Program, Professional Services Account.

(City Council) Continued to May 20, 2002 to Consider Adoption of Resolution No. 2002-33 for Local Coastal Program Amendment No. 02-01 and Requesting Its Certification by the California Coastal Commission (Zoning Text Amendment 97-01 – Residential District Standards – Ordinance 3410) (440.50)

Council Member Boardman requested that the above-captioned agenda item be removed from the Consent Calendar for further discussion. Council Member Boardman stated that she was unable to ascertain from the staff report what was proposed for change, and wished further review of the matter.

In response to Council Member Boardman’s inquiry, Planning Director Howard Zelefsky stated staff’s recommendation for clean up language, which involves various changes of a technical nature.

A motion was made by Boardman, second Houchen to **continue to May 20, 2002** consideration to adopt **Resolution No. 2002-33** – *“A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 02-01 and Requesting its Certification by the California Coastal Commission.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Directed Staff to Revise Schedule and Amendments to Agreements Between the City and PLC (the Developer) for Proposed Holly-Seacliff Area of Benefit District 1 Modifications to Street Frontage/Right-of-Way Provisions – Approved to Return to the June 17, 2002 Council Meeting (350.30)

Council Member Winchell requested that this agenda item be removed from the Consent Calendar for clarification of the modifications that are to be presented for Council approval at the June 17, 2002 Council meeting. Council Member Winchell received affirmation from staff the inclusion of several provisions in said amended agreements and schedules, including that payments for right-of-way improvements will be calculated at current rates.

A motion was made by Winchell, second Dettloff to **1.** Direct staff to develop revised property owner cost spreadsheets and necessary amendments to any agreements between the City and PLC to provide for a 50-50 cost recovery agreement for street frontage improvements; and **2.** Present this item at the June 17, 2002 City Council meeting. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell
NOES: Boardman
ABSENT: None

(City Council) Approved City Council Positions on Legislation Pending before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee – Adopted Emergency Motion to Include Assembly Bill 1969 (Maddox) Pursuant to Government Code §54954.2(b)(2) – Supported AB 1969 (Maddox) in Support of Secondary Treatment by the Orange County Sanitation District of Wastewater Discharged by OCS D into the Pacific Ocean (640.90)

Council Member Green requested the removal of the above titled Consent Calendar agenda item, stating that he noted a discrepancy between the agenda and the staff report in the agenda packet material; that the agenda did not reflect the subject of support for Assembly Bill 1969 (Maddox); however, the staff report did.

City Attorney Gail Hutton reported relative to Brown Act requirements. She stated that an apparent intent exists to include Assembly Bill 1969 (Maddox) on the agenda. City Attorney Hutton called for a determination to be made by a two-third majority of Council as to the urgency of the matter.

Council Member Green informed Council that while he will concur to add the item to the agenda, he will subsequently abstain from taking a position once a motion is made on AB 1969 (Maddox).

Council consented unanimously with all members present, none absent, on the need to take action which arose subsequent to the posting of the agenda pursuant to Government Code §54954.2(b)(2) to include consideration of the approval to recommend Assembly Bill 1969 (Maddox).

At the request of Council for advice, the City Clerk recommended one motion to vote on the bills posted on the agenda followed by a second motion with the emergency item included, as follows:

The City Council Intergovernmental Relations Committee has reviewed the legislation, propositions, and ruling below and is recommending that the City Council take a position on the following items, and authorized the Mayor to send letters to the legislators reflecting the approved positions, as submitted by Shirley Dettloff, Council Member, Chair Person Intergovernmental Relations Committee for Mayor Debbie Cook and Mayor Pro Tem Ralph Bauer:

A motion was made by Green, second Bauer to: **Support AB 2070 (Johannessen)** – A bond initiative to provide funding for Water Supply and Reliability projects. **Support AB 2017 (Bates)** – Provides funding for water pollution clean up and abatement. **Support AB 2816 (Shelley)** – For purposes of workers' compensation law provides that a licensed contractor shall be the exclusive employer of the individuals they employ. **Support AB 2100 (Simitan)** – Caps Educational Revenue Augmentation Fund (ERAF) Shifts when the State has a budget surplus of 3% or greater. **Oppose AB 2333 (Nakano)** – Ties transportation funding to providing regional airports. **Oppose AB 3052 (Pescetti)** – Sales tax exemption for energy efficient appliances. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

Council Member Houchen requested a correction to the staff report to show that Assemblyman Tom Harman is co-author of Assembly Bill 1969 (Maddox).

A motion was made by Bauer, second Boardman to **support AB 1969 (Maddox)** – Requires wastewater discharged by the Orange County Sanitation District (OCSD) into the Pacific Ocean be subject to at least secondary treatment. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

(City Council) Approved Additional Funding to the Nuisance Property Abatement Fund and Authorized the Execution of a Contract (in Substantially the Same Form as Sample Contract) to Facilitate the Abatement of a Nuisance Property (Spano Residence – 16911 Bolsa Chica Street) Approved Staff to Return to Council at a Future Date to Place Lien on Property and Related Actions Pursuant to the Contract Agreement to be Executed (570.60)

Prior to holding a discussion relative Mayor Pro Tem Bauer's request for removal of the above titled agenda item from the Consent Calendar, City Administrator Silver recused himself from the proceedings due to a conflict of interest.

Mayor Pro Tem Bauer stated that the reason for his request is to inquire regarding the process to be undertaken for repayment to the city for the demolition of the Spano property.

Assistant City Administrator William Workman provided a description of the work and a timeline. He spoke regarding the contractor's removal of any asbestos found, followed by public meetings, during which time a bill for the work will be presented in order to allow the public the opportunity to come forward and challenge the method of payment.

Planning Director Zelefsky reported on the lien process; that there is a cloud over the Spano property due to the lien.

Mayor Pro Tem Bauer inquired if the city can still lien the property after escrow closes.

Mayor Cook invited Kay Gustafson, Esquire, Attorney for St. Peter's by-the-Sea Presbyterian Church, to speak on the matter. Ms. Gustafson informed Council that escrow will not close until the house is down.

Planning Director Howard Zelefsky reported that if the subject agenda item is approved at this evening's meeting, staff will return to Council and request that a lien be placed on the property.

A motion was made by Bauer, second Houchen to: **1.** Appropriate \$20,000 from the Unreserved General Fund, account number 100.31.100.1999 to the Nuisance Property Abatement Fund, account number 10060301.64900; and **2.** Approve and authorize the Assistant City Administrator to execute a services contract in substantially the same form and upon approval as to form by the City Attorney as the attached sample between the City of Huntington Beach and a contractor to be selected for Nuisance Abatement Services at 16911 Bolsa Chica Street. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 NOES: None
 ABSENT: None

The Mayor recessed the City Council/Redevelopment Agency

Call to Order a Joint Meeting of the City Council, the Redevelopment Agency, and the Huntington Beach Public Financing Authority (.)

Roll Call of the Huntington Beach Public Financing Authority Members

Present: Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
 Absent: None (Green out of the room)

(Public Financing Authority) Approved and Adopted Minutes

On motion by Dettloff, second Bauer approved and adopted minutes of November 5, 2001 meeting of the Huntington Beach Public Financing Authority as written and on file in the Office of the City/Agency Clerk/Secretary. The motion carried by the following roll call vote:

AYES: Dettloff, Bauer, Cook, Houchen, Boardman
 NOES: None
 ABSENT: None (Green out of the room)
 ABSTAIN: Winchell (meeting held prior to term of office)

The Mayor/Chairman/President convened to a Joint Meeting of the Huntington Beach City Council, the Redevelopment Agency, and the Public Financing Authority on the following Administrative Item:

(City Council/Redevelopment Agency/Public Financing Authority) Adopted Resolutions for Refunding Bonds for Redevelopment Agency Merged Project Area – Adopt Council Resolution No. 2002-36; Agency Resolution No. 335; and Public Financing Authority Resolution No. 16 (330.60)

The City Council considered a communication from the Economic Development/Deputy Executive Director informing Council/Agency/Authority members that the balance of the 1992 Redevelopment Agency Tax Allocation Refunding Bonds are now eligible for refinancing at a more favorable interest rate. A portion of the bonds was refinanced in 1999. The bonds were originally issued in 1992 to provide funds to enable the Agency to prepay a portion of the Agency's 1992 Loans and refund the outstanding Huntington Beach Public Financing Authority's 1992 Bonds, to establish a reserve account under the Indenture, and to pay the expenses of the Agency in connection with the issuance of the Bonds.

Economic Development/Deputy Executive Director David Biggs presented the PowerPoint slide report that had been announced earlier by the City/Agency Clerk/Secretary as a Late Communication.

In response to Mayor Pro Tem/Vice Chair/Director Bauer, Director Biggs reported on the restrictions on refinancing rates.

City Administrator/Executive Director Silver stated that Administrative Services Director Clay Martin has the responsibility of monitoring said market rates.

A motion was made by Bauer, second Dettloff to approve the following:

City Council Action:

Adopt **Resolution No. 2002-36** approving proceeding with the issuance by the Redevelopment Agency of 2002 tax allocation refunding bonds and approving related documents and actions – *“A Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Tax Allocation Refunding Bonds by the Redevelopment Agency of the City of Huntington Beach in the Maximum Principal Amount of \$23,000,000.”*

Redevelopment Agency Action:

Adopt **Resolution No. 335** approving proceeding. Redevelopment Agency Board with the issuance of 2002-tax allocation refunding bonds and approving related documents and actions – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Authorizing the Issuance and Sale of Not to Exceed \$23,000,000 Principal Amount of 2002 Tax Allocation Refunding Bonds to Refund Outstanding 1992 Tax Allocation Revenue and Related Loan Agreements, and Approving Related Documents and Actions.”*

Public Financing Authority Action:

Adopt **Resolution No. 16** approving documents related to the refinancing of its 1992 Revenue Bonds – “*A Resolution of the Huntington Beach Public Financing Authority Approving Documents and Actions Relating to Refunding of 1992 Tax Allocation Revenue Bonds.*”

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

NOES: None

ABSENT: None

Adjournment

Mayor/Chair/President Cook adjourned the Joint Meeting of the City Council, the Redevelopment Agency, and the Huntington Beach Public Financing Authority and reconvened the City Council/ Redevelopment Agency meeting:

(City Council) Approved *In Concept* the Plans for a New Senior Citizen Outreach/Multi-Service Center and Execute Contract with Pulse Marketing for Financial Analysis and Development Plan – Directed Staff to Develop Fund Raising Proposal with the Council on Aging (225.10) (600.10)

The City Council considered a communication from the Community Services Director requesting Council direction on whether to pursue entitlements for the development of a new senior citizen multi-service center in Huntington Beach.

City Administrator Silver provided a brief oral report relative to alternative sites considered.

Community Services Director Ron Hagan introduced Tom Tucker, the Consultant for the project from Pulse Marketing. Mr. Tucker delivered the PowerPoint slide presentation, a hard copy of which was included in the staff report in the agenda packet. The PowerPoint is titled *Overview of Senior Services at Rodgers Seniors' Center & Seniors' Outreach*.

Staff presented the history and background of the plans for a new Senior Citizen's Outreach/ Multi-Service Center, which include:

1. Study sessions held during the last 18 months;
2. Preparation of preliminary architectural renderings consistent with Urban Design Guidelines of Specific Plan;
3. Public hearings held; and
4. Consideration of fund-raising efforts.

Council Member Dettloff stated that she was speaking as a Council liaison in providing several reasons for moving forward to look at senior needs, including the issue of the increase in the older population. She inquired if the site depicted in the wall diagram is the only one being considered.

Director Hagan responded that staff recommends this site as having the only viable location.

Council Member Boardman informed Council that she supports this location conceptually; however she is uncertain whether the city can afford to build another senior center. She spoke in favor of exploring other funding.

Council Member Winchell asked for clarification as to whether the study is a needs survey only, and that there are no architect's fees involved.

In response, Director Hagan spoke regarding the process and listed several costs:

1. Existing senior uses;
2. Rental space for meetings; and
3. Incorporation of satellite offices serving seniors.

Council Member Winchell ascertained from Director Hagan that staff intends to separate out the costs of underground parking from the building.

A motion was made by Dettloff, second Bauer to:

1. Conceptually approve the prototype senior citizen multi-purpose center, and direct staff to pursue the next steps in the entitlement process as follows:
 - a) Put together a complete funding scenario based on the results of consultant studies for Council consideration;
 - b) Develop a proposal for a joint fund-raising effort with the Council on Aging;
 - c) Conduct a series of community meetings through the Community Services Commission to inform the public, and gain input into the final space allocations for users in the multi-service center;

and

2. Approve the *Professional Service Contract Between the City of Huntington Beach and Pulse Marketing* to perform a financial analysis and proforma, and authorize the Mayor and City Clerk to execute same.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

NOES: None

ABSENT: None

(City Council) Approved Continued Operation at Temporary Current Location at Edwards Street Site for Huntington Central Park Dog Park and Approved, as Amended, Revised Hours of Operation – Directed Staff to Study Area for Noise Mitigation – Motion Denied - Community Services Commission's Recommendation of Extended Hours (920.40)

The City Council considered a communication from the Community Services Director informing Council that pursuant to City Council direction, alternative locations for Huntington Central Park Dog Park have been analyzed for recommendation to Council.

Community Services Director Hagan presented the PowerPoint slide report that had been announced earlier by the City Clerk as a Late Communication.

Council deliberated at length on the merits and drawbacks of maintaining the current dog park hours, versus the proposed Community Services Commission recommendation for extended hours as follows: **Weekdays** – Small Dog Area 7am-8pm; Big Dog Area 8am-8pm; and Big Dogs Allowed in Small Dog Area 7am-8am. **Weekends** - Small Dog Area 7am-8pm; Big Dog Area 10am-8pm; and Big Dogs Allowed in Small Dog Area 7am-10am.

Discussion ensued in consideration of other options - various other configurations of hours and alternative sites - with respect to enforcement and observance of the Huntington Beach Municipal Code Section pertaining to Noisy Animals.

(City Council) Motion FAILS to Relocate the Best Friend Dog Park to the Shipley Nature Center (Goldenwest Street) (920.40)

Council Member Boardman quoted excerpts from a report submitted by the U. S. Department of Fish and Wildlife, which is a communication that was included in the agenda packet.

A motion was made by Boardman, second Winchell to move the Dog Park to the Shipley Nature Center (Goldenwest Street) for cost reasons.

(Prior to Council casting votes on the foregoing motion, Council Member Dettloff voiced her opposition, stating that the relocation would adversely affect what she described as the pristine quality of the Shipley Nature Center.)

The motion as stated above, to move the Dog Park to the Shipley Nature Center (Goldenwest Street) **failed** by the following roll call vote:

AYES: Green, Winchell, Boardman
NOES: Dettloff, Bauer, Cook, Houchen
ABSENT: None

Director Hagan furnished an update that plans for the permanent relocation of the Dog Park to the former police gun range site continues to be an option once remediation is completed.

Mayor Cook initiated discussion relative to the staff direction to explore and implement efforts for additional screening of sound and other noise mitigation measures.

Director Hagan responded to Council Member Dettloff that three is the maximum number of dogs allowed in the park and that there have been citations issued to violators.

Mayor Pro Tem Bauer expressed concern over what he anticipates are overtime costs to be incurred by the park ranger due to the extended hours of operation.

Director Hagan confirmed that the Best Friend Dog Park Foundation is assuming responsibility for gate keeping and parking patrol duties.

A motion was made by Bauer, second Dettloff to allow Dog Park to remain at its current Edwards Street site until the City Council selected an alternative site;

and

Revise the hours as follows:

	Small Dog Area	Big Dog Area	Big Dogs Allowed in Small Dog Area
Weekdays	9am-7pm	9am-6pm	6pm-7pm
Weekends	10am-7pm	10am-5pm	5pm-7pm

The motion carried by the following roll call vote:

AYES: Dettloff, Bauer, Cook, Houchen
 NOES: Green, Winchell, Boardman
 ABSENT: None

(City Council) NO ACTION TAKEN to Establish a Citizens' Committee to Study Councilmanic Districts Re: Proposed City Charter Amendment to Reduce Number of Council Members from Seven to Five to be Elected by Districts – Motion Denied to Adopt Resolution No. 2002-43 (610.20)

The City Council considered a communication from the City Attorney's Office transmitting that at its April 15, 2002 meeting, the City Council directed the City Attorney to provide information on how the Council could form a citizens' committee to study the proposed City Charter amendment, on which a petition is being circulated to reduce the number of council members from seven (7) to five (5), and to establish Council districts.

The staff report sets forth that the Council establish a committee to study the following City Charter provisions and issue a report addressing whether:

1. Council seats should be by district or at-large, and if by district, should Council members be residents of their district and should voting be by district or at-large;
2. The number of Council seats should remain at seven, or be reduced or expanded; and,
3. The existing term limit that no council member serve more than two consecutive terms with no prohibition on running again for election after retiring for one election cycle is retained.

If the Committee recommends one or more of these Charter amendments, it would also submit a specific Charter amendment that could be submitted to the electorate at the November 2002 election.

Mayor Cook spoke in opposition to the proposed Charter Amendment.

Council Member Boardman stated that she is in agreement with studying the proposal, but is in opposition to spending \$50,000 from the General Fund towards the effort.

Mayor Pro Tem Bauer presented the example of the City of Newport Beach, stating his opinion that establishing districts with election of council members at-large is another solution that presents a better distribution of district seats. Mayor Pro Tem Bauer stated that he is considering proposing this districting structure in the form of a recommendation in a forthcoming Council memorandum.

Council Member Dettloff spoke in opposition to the recommended action on the table and districting. She expressed the hope that there is a mechanism to fight bad government, and that the city will determine that the status quo is more beneficial.

Council Member Green stated that he is not in favor of expending \$50,000, but that a study would be a good way to stimulate debate on the issue.

Council concurred unanimously, with all present, none absent, to **take no action** to establish a Citizens' Committee to Study Councilmanic Districts regarding the proposed City Charter Amendment to reduce the number of council members from seven to five to be elected by districts and to **deny adoption** of Resolution No. 2002-43.

(City Council) Adopted Ordinance No. 3555 – Adopts Speed Limit Ordinance for Varsity Drive from Edwards Street to Talbert Avenue and for Gothard Street from Main Street to Garfield Avenue (580.60)

After the City Clerk read by titles the above-captioned ordinance and the ordinance in the following agenda item, a motion was made by Green, second Dettloff to adopt **Ordinance No. 3555** – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.”* Submitted by the Public Works Director. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Adopted Ordinance No. 3556 – Amends Bicycle License Fees (640.10)

Together with Ordinance No. 3555 in the preceding agenda item, after the City Clerk read by title the following ordinance, a motion was made by Green, second Dettloff to adopt **Ordinance No. 3556** – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.84 of the Huntington Beach Municipal Code Regulating Bicycles.”* The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Continued to May 20, 2002 to Consider for Approval Introduction of Ordinance No. 3558 and 3559 and Agency Ordinance No. 2 to Amend City/Agency Transient Occupancy Tax (TOT) Allocation Split (Main Pier Redevelopment Subarea) (340.55)

The City Council considered a communication from the Administrative Services Director and the Economic Development /Deputy Executive Director have transmitted their request to amend the City and the Agency Transient Occupancy Tax Allocation:

In 1988, the City and Redevelopment Agency provided for a 40/60% split of the 10% Transient Occupancy Tax (TOT) in order to assist in the Agency's financing of certain obligations related to the hotels to be developed on the Waterfront site in the Main Pier Redevelopment Subarea. This allocation of TOT is proposed to be expanded to the entire Main Pier Redevelopment Subarea.

Economic Development/Deputy Executive Director David Biggs reported.

In reference to her inquiry relative to Agency Ordinance No. 2, Council/Agency Member Houchen received clarification from staff on the distinction between vacation rentals and time-shares in reference to the term, "Tourist Home," and in which instances the city does revenue reporting.

Discussion was held regarding levying tax information contained in said ordinance, including the issue of the effect of the proposed amendment on the city's current allocation of the Transient Occupancy Tax revenue.

Staff ascertained for Mayor/Chair Cook that language found in Agency Ordinance No. 2 predates Proposition 218.

City Attorney/General Legal Counsel Hutton reported to clarify the intent of the proposed ordinance.

A motion was made by Boardman, second Houchen to **continue to the May 20, 2002 Council meeting**, consideration of approval of the introduction of the following ordinances, which did **not receive** a first reading by title:

1. **City Council Ordinance Nos. 3558 and Ordinance No. 3559;** and
2. **Redevelopment Agency Ordinance No. 2**

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
NOES: None
ABSENT: None

(City Council) Accepted Mayor Pro Tem Ralph Bauer’s Tender of Resignation and Approved Appointment of Council Member Connie Boardman for His Replacement to Serve the Remainder of Term Through November 2002 as Mayor Pro Tem (120.10)

The City Council considered a communication from Mayor Pro Tem Ralph Bauer transmitting the following **Statement of Issue:** In order to smooth the transition for Connie Boardman to become Mayor in December 2002, I would like to tender my resignation as Mayor Pro Tem and suggest that the Council vote to appoint City Council Member Connie Boardman as Mayor Pro Tem, effective as soon as possible. I move that the Council accept my resignation as Mayor Pro Tem and elect Connie Boardman as Mayor Pro Tem.

A motion was made by Bauer, second Green to accept the resignation of Ralph Bauer as Mayor Pro Tem and to elect Council Member Connie Boardman as his replacement. The motion carried by the following roll call vote:

- AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman
- NOES: None
- ABSENT: None

Adjournment – City Council/Redevelopment Agency

Mayor Cook adjourned the regular meetings of the City Council and the Redevelopment Agency of the City of Huntington Beach at 11:45 p.m. to Monday, May 20, 2002, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman