

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

Monday, July 7, 2003
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 Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Boardman, Cook, Hardy (Coerper arrived 5:02 p.m., Green arrived 5:02 p.m., Houchen arrived 5:03 p.m.)
Absent: None

The Following Late Communication Was Submitted During Study Session Meeting

A communication from Keith Tucker dated January 24, 2000 titled *Repairs to Subsurface Gas Mitigation System in the Vicinity of Christine Drive, Huntington Beach, California* was submitted during the Public Comments portion of the Study Session meeting. City Clerk Connie Brockway announced his Late Communication and informed Mr. Tucker his communication would become part of the public record and stated it would be available in the City Clerk's Office the following morning.

Public Comments

George Mason informed Council of his disagreement with the staff report on the methane issues in the Christine Drive area. He presented reasons for his opinions.

Mark Bixby informed Council of matters pertaining to "bubbling" on Shea Homes property. He stated that Mr. Metzler, owner, had been contacted and that a further report would be made.

Karl E. Wysocki stated his disagreement concerning the staff report on the methane issues in the Christine Drive area and stated he believed that the sewer line system needs to be sealed properly.

Jack Kirkorn presented reasons for his disappointment with the city staff report on the methane problem in the Christine Drive area.

(City Council) Study Session Held - Status Report Made by the Fire Department and Public Works Department on the Completed Work Associated with the Gas Anomaly (Methane Issues) in the Vicinity of Christine Drive and Brookhurst Street (.)

City Administrator Ray Silver introduced Division Chief/Fire Marshal Chuck Burney who presented an update on activities associated with methane issues. He also delivered a PowerPoint report titled *Christine Drive Gas Anomaly* which was included in the agenda packet.

Division Chief/Fire Marshal Burney stated the report was a summary of several years' work concerning methane gas.

Considerable discussion was held between City Councilmembers, Acting Fire Chief Duane Olson, Division Chief/Fire Marshal Burney, Department of Public Works Civil Engineer Associate Duncan Lee and the City consultant from BAS concerning methane gas issues including: 1) locations of concerns; 2) measurement levels; 3) current findings; and 3) mitigation actions.

Mayor Boardman thanked everyone for the report.

Motion to Recess to Closed Session – Approved

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

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

(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 agency is a party. The title of the litigation is **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. (120.80)

City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: Ray Silver; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** (120.80)

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

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: None

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

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

Pledge of Allegiance - Troop 2316 - Jr. Girl Scouts, Huntington Seacliff Elementary School. Michelle Diamond, Leader.

Moment of Silence Observed

Mayor Boardman requested observation of a moment of silence to reflect upon the issues before the Council, public and staff.

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:

Communication from the Public Works Director and the Fire Chief dated July 7, 2003 titled *City Council Item E-12, Award Fire Station 2 – Murdy Improvement Project CC-1195* modifying the last sentence of the second paragraph of the Request for Council Action Analysis concerning the consent agenda item regarding the award of Fire Station 2 – Murdy Improvement Project.

A letter of appreciation from Dale L. Dunn, President, Huntington Beach Council on Aging, dated July 7, 2003, thanking Council for support given to the needs of seniors.

Communication, including a copy of a signed petition, from residents of Huntington Shorecliffs Mobile Home Park dated July 4, 2003, titled *Proposed Budget Cutbacks in the H.B. Fire Dept. Services* requesting that Council reconsider the proposed budget cutbacks in the Huntington Beach Fire Department Services.

Communication from Bob Riedesel, President of Meredith Gardens Homeowners Association, dated June 28, 2003 in support of funding the Business Development Division of the Economic Development Department.

Nine copies of responses to a Beach Safety Survey titled *Budget Cuts Threaten Beach Safety* relative to proposed budget cuts for the Marine Safety Division of the City.

Communication from Jeanine Benson dated July 1, 2003 in support of funding of neighborhood branch libraries.

Communication from Lynne Clarke dated June 29, 2003 titled *2003-2004 Budget* in support of funding for safety services.

Communication from citizens dated July 2, 2003 in support of funding for Rodgers Senior Center.

Communication from Huntington Beach Tomorrow dated June 16, 2003 titled *Proposed Change to Ethics Code and Ordinance* recommending reevaluation on the agenda item concerning the proposed Ordinance No. 3612 to amend the Huntington Beach Municipal Code Chapter 2.05 titled *Gifts to Public Officials*.

Presentation made to Mayor Connie Boardman, and Community Services Director Jim Engle, introduction of the Sister Cities' Ambassadors from Anjo, Japan and Waitakere, New Zealand who visited Huntington Beach for two weeks. From Anjo were: Atsuro Nomura, Akane Nojiri, Emi Imaizumi, Mika Sakakibara and their Chaperone Saiko Kato. From Waitakere were: Jessica Wright, Vanessa Appleton, Andrew Wadsworth, Ben Nuralli and their Chaperone Jo-Anne InanCSI. Waitakere students sang a Maori song for Council and audience. Anjo students performed a dance for Council and audience. (160.40)

Presentation made to Mayor Connie Boardman and Community Services Director Jim Engle, a check in the amount of \$5,000 by the Equestrian Trails Inc. group, to be used for equestrian trail fencing in Huntington Central Park. This donation is in honor of Mary Bell who has been a proponent of equestrian facilities and trails in Huntington Beach for more than thirty-five years. Community Services Director Jim Engle congratulated Mary Bell for her many years of dedicated service. (160.40)

Presentation made to Mayor Connie Boardman; Library Services Director, Ron Hayden; Children's Central Library Director, Nanci Williams; and Friends of the Children's Library President, Jo Ann Rankin; a check in the amount of \$30,579 for the Children's Library by Ron Mc Lin, HB Restaurant Association President. The funds were raised from the *Taste of Huntington Beach* culinary event. (160.40)

Presentation made by Mayor Connie Boardman to Police Chief Kenneth Small; VIP Representative, Dave Robertson; and RSVP Representative Dee Zimmerman, a commendation recognizing the Huntington Beach Police Department for Huntington Beach making the top ten in the FBI's safest cities ranking. "The low crime rankings were compiled by The Times based on a ratio of population to crime reported by local police agencies to the FBI in seven categories - homicide, rape, robbery, aggravated assault, burglary, theft and auto theft." (Los Angeles Times, June 18, 2003). Police Chief Kenneth Small thanked everyone for a great partnership. (160.40)

Special Council Commendation made by Mayor Connie Boardman to Sergeant-at-Arms Police Lieutenant Gary Meza for outstanding public service. Lieutenant Meza has served at the City Council meetings for 1 1/2 years and has greatly assisted the public and Council so well. (160.40)

Public Comments

Barbara Tonelli spoke on behalf of the Project Self-Sufficiency (PSS) program and gave reasons for her support. She presented her background and stated she was now working on her PhD. She spoke on behalf of continued funding of PSS.

Tim Flanagan, HBTv-3 Director, presented a PowerPoint report reflecting revenue raised by HBTv-3 and its continued worth and future potential to the City. Mr. Flanagan gave numerous reasons why, in his opinion, funding for HBTv-3 should not be included in budget cuts.

The City Clerk Announced Late Communications Submitted During the Meeting

The City Clerk announced the Late Communication PowerPoint report submitted by Mr. Flanagan titled *HBTV-3* during his public comments would be available in her office the following morning.

Greg Arbues, Chairman of Project Self-Sufficiency Foundation, gave an overview of PSS and stated his support of staff recommendation to fully fund the PSS Coordinator position. Mr. Arbues noted the recent PSS cutbacks from CDBG (Community Development Block Grant) funding.

Mayor Boardman informed everyone CDBG issues were not on the agenda at this meeting.

Debbie Borden offered an invocation due to the absence of the Invocation from the agenda.

Armen Bagdasarian requested that the first few blocks of Main Street be closed to car and motorcycle vehicular traffic. He gave reasons why he believed this would improve environment and pedestrian safety factors downtown.

Sheree L. King presented reasons why she believes the Project Self-Sufficiency Coordinator position should be fully funded; that it is a wonderful program that offers encouragement to participants.

Christine Szymanek spoke in favor of the Project Self-Sufficiency program and stated she believes that the PSS Coordinator position should be fully funded in the city budget.

Dan Jamieson informed Council of what he believes are violations by Boeing Realty on the McDonnell Project including dust violations which also affect residents in Westminster. He stated his opinion that contractors are beginning too early and finishing too late. He requested Council to ensure there is complete compliance on the McDonnell Project.

Mayor Boardman suggested that Mr. Jamieson obtain a business card from Public Works Director Robert F. Beardsley who will discuss this matter further with Mr. Jamieson.

Edward Kerins, representing Huntington Beach Tomorrow, presented reasons why he believes that the agenda item concerning the proposed ordinance *Gifts to Public Officials* gives a city employee or city officer wide latitude regarding the acceptance of gifts or solicitation of gifts which the Huntington Beach Municipal Code previously did not allow. Mr. Kerins presented an alternative which he believed could allow full compensation for events Council attends.

Tyler Jordan stated his appreciation for all the city has done including the Hyatt and the Hilton. Mr. Jordan stated he would miss HBTV-3 if meetings were not telecast.

Announcement by the City Clerk

The City Clerk announced that PowerPoint presentations given during meetings by staff or by the public are public records.

(City Council) Continued to July 21, 2003 Meeting - City Council Communication Committee Recommendation to Continue Membership in the Public Cable Television Authority (PCTA) (.)

The City Council considered a communication from Councilmember Pam Houchen, Chair of the Communications Committee on behalf of Mayor Connie Boardman and City Councilmember Debbie Cook transmitting the following **Statement of Issue**: Ongoing discussions have been held regarding whether or not the city should withdraw from the Public Cable Television Authority (PCTA). The City Council Communications Committee is bringing before the City Council a recommendation to continue membership in the PCTA.

A motion was made by Houchen, second Green to **continue to July 21, 2003 meeting** the City Council Communication Committee recommendation to stay in the Public Cable Television Authority. Said recommendation was unanimously approved by the Committee at its June 23, 2003 Meeting. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

(City Council) Approved City Administrator's Recommendation to Appoint Duane Olson to the Position of Fire Chief – Approved Employment Agreement Between City and Duane Olson (.)

The City Council considered a communication from the City Administrator recommending City Council approval of Duane Olson to the position of Fire Chief as required by the City Charter.

City Administrator Ray Silver gave an overview of Acting Fire Chief Olson's career accomplishments and dedication to the city since 1970.

A motion was made by Coerper, second Green to:

1. Approve the appointment of Duane Olson to the position of Fire Chief;

and

2. Approve and authorize execution by the City Administrator and City Clerk of the Employment Agreement between the City of Huntington Beach and Duane Olson for the position of Fire Chief.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

(City Council) Public Hearing Held - Approved as Amended Appeal Filed by Councilmember Debbie Cook - Applicant - W. Gary Lamb - Approved Coastal Development Permit No. 02-21, Approved Conditional Use Permit No. 02-40 - Denied Variance No. 02-09 (Overturned Planning Commission's Decision to Approve Variance No. 02-09 - Todd Residence (Includes Request for a Third Story Addition) Located at 16412 Ardsley Circle (s/o Humboldt Drive) (.)

The City Council considered a communication from the Planning Director.

Mayor Boardman announced that this was the time scheduled for a public hearing to consider:

Applicant: W. Gary Lamb

Appellant: City Councilmember Debbie Cook

Request: Coastal Development Permit (CDP): To construct a first, second and third floor addition to an existing single-family dwelling totaling approximately 1,690 sq. ft., including a 171 sq. ft. third-story deck.

Conditional Use Permit (CUP): To construct 682 sq. ft. of habitable floor area and 171 sq. ft. of deck area above the second-story top plate line.

Variance: To construct 682 sq. ft. of third floor habitable space not designed within the confines of the roof volume.

Location: 16412 Ardsley Circle (south of Humboldt Drive, at the terminus of the cul-de-sac).

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

Appealable Jurisdiction of Coastal Zone: Notice is hereby given that this agenda item is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-28, filed on July 16, 2002, in conjunction with the above request. The Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. City Council action on Item No. 1 may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The Coastal Commission address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

Communication from Richard Batistelli, President of the Huntington Harbour Property Owners' Association dated June 27, 2003 and received in the City Clerk's Office on June 30, 2003 titled *Appeal of Planning Commission Decision of May 13, 2003 (Approval of Variance No. 02-09 – Todd Residence)* in opposition to approval of Variance No. 02-09 was included in the agenda packet.

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

Councilmember Debbie Cook, appellant, stated her opinion that a variance should be issued under strict conditions only and unusual property related issues should not be grounds for a variance.

Planning Director Howard Zelefsky gave a PowerPoint presentation titled *Council Member Cook's Appeal of Planning Commission's Approval of: Coastal Development Permit No. 02-21, Conditional Use Permit No. 02-40, Variance No. 02-09, 16412 Ardsley Circle*, which was included in the agenda packet.

Mayor Boardman declared the public hearing open.

Randy Kokal, Planning Commissioner, made a presentation on the Planning Commission's deliberations held during its review of this project. He stated it was his understanding that a letter from the applicant has been submitted in agreement with the Planning Commission which the Planning Commission had not seen.

Steve Ray, Planning Commissioner, reviewed for Council the Planning Commission's deliberations. He identified an error in the staff report relative to the motion on the conditions concerning the bathroom window. Mr. Ray stated the error in the motion would be corrected when the Planning Commission minutes are presented for approval.

LyliaNeue Puckett, a resident on Ardsley Circle, stated her opposition to approval of the Todd residence proposed variance for a third story addition.

Mayor Pro Tem Green asked Steve Ray if he was finished with his comments. He stated he had additional information. Mayor Pro Tem Green asked him to return to the podium.

Steve Ray, Planning Commissioner, continued his review for Council concerning the Planning Commission's deliberations.

Discussion was held between Planning Commissioner Ray and Council regarding the Planning Commission's decision concerning the property.

Richard Batistelli, President of the Huntington Harbour Property Owners' Association (HHPOA), stated reasons for his opposition to the third story variance at the Todd residence. Mr. Batistelli stated the association architectural committee does not authorize or support the project.

Carol Garrett stated her support for denial of a variance for a third story at the Todd residence.

The Following Late Communication Was Submitted and Distributed During the Meeting

A twelve-page Late Communication from applicant W. Gary Lamb titled *Todd Residence* (undated) was submitted and distributed during the public hearing portion of the meeting by applicant W. Gary Lamb. The communication included diagrams and photographs of the property elevation and a summary of issues supporting approval of the Todd residence project.

W. Gary Lamb, architect for the Todd construction project, referred to the Late Communication diagrams he submitted at the meeting. He used display boards to describe the project construction concerning the first, second and third story addition to the Todd residence. Mr. Lamb elaborated on the third story addition. He stated his opinion and gave reasons the Coastal Development Permit No. 02-21, Conditional Use Permit No. 02-40 and Variance No. 02-09 should be approved.

Allen Todd spoke in favor of Coastal Development Permit No. 02-21, Conditional Use Permit No. 02-40 and Variance No. 02-09. Mr. Todd gave reasons why the project should be approved including his opinion that it would enhance the neighborhood property values. He stated the project had been modified numerous times and the Planning Commission had approved the construction permits and variance.

Discussion was held between Council and staff relative to the feasibility of reaching a compromise on the project.

Planning Director Howard Zelefsky stated the Planning Department has not reviewed an alternate plan.

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

Councilmember Cook stated her opposition to the variance and added that all applicants should comply with zoning requirements.

Councilmember Houchen initiated discussion regarding third story roof compliance. Planning Director Howard Zelefsky clarified that third story construction is allowed, as long as it complies with zoning requirements.

Councilmember Sullivan requested that Mr. Batistelli return to the podium for clarification on construction rules and regulations relative to the Huntington Harbour Property Owners Association.

Councilmember Sullivan inquired if Council would consider a continuation for further deliberation.

Discussion was held regarding the appropriateness of the variance for this project. Council and staff also discussed the feasibility of accomplishing the design factor through a way other than a variance.

A motion was made by Cook, second Coerper to **deny** Coastal Development Permit No. 02-21, Conditional Use Permit No. 02-40 and Variance No. 02-09. The motion carried by the following roll call vote:

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

Planning Director Howard Zelefsky informed Council that if Council desired the Coastal Development Permit No. 02-21 and Conditional Use Permit No. 02-40 could be approved while the Variance No. 02-09 could be denied.

A motion was made by Boardman, second Cook to **reconsider** Coastal Development Permit No. 02-21, Conditional Use Permit No. 02-40 and Variance No. 02-09. The motion carried by the following roll call vote:

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

A motion was made by Cook, second Coerper to **approve as amended** Coastal Development Permit No. 02-21, Conditional Use Permit No. 02-40 and to **deny** Variance No. 02-09 based on findings as set forth in the staff report. The motion carried by the following roll call vote:

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

*** CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 02-21/
CONDITIONAL USE PERMIT NO. 02-40**

1. The site plan, floor plans and elevations received and dated February 27, 2003, shall be the conceptually approved layout with the following modifications:
 - a. The proposed third-story shall be designed within the confines of the second-story roof volume.
 - b. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes, and similar items on the site plan and elevations.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 to the Planning Department for review and approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - c. All Fire Department requirements shall be noted on the building plans. **(FD)**
3. Prior to issuance of building permits, the following shall be completed:
 - a. To maintain required emergency access and site safety during project construction phases, submit a Fire Protection Plan in compliance with City specification #426 – *Fire Safety Requirements for Construction Sites*. **(FD)**
 - b. For Fire Department approval, plans for an automatic fire sprinkler system shall be submitted to the Building & Safety Department as separate plans for permits. **(FD)**

- c. For Fire Department approval, shop drawings for a fire alarm system shall be submitted to the Building & Safety Department as separate plans for permits. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. **(FD)**
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Discovery of any contamination/pipelines, etc. must be reported to the Fire Department immediately and the approved workplan modified accordingly. **(FD)**
 - b. All applicable Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(Code Requirement)**
 5. The final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:
 - a. An automatic fire sprinkler system shall be installed throughout in accordance with approved plans. **(FD)**
 - b. An fire alarm system shall be installed in accordance with approved plans. **(FD)**
 - c. Address numbers shall be installed on structures to comply with Fire Department City Specification 428. **(FD)**
 - d. A new sewer lateral shall be installed. **(PW)**
 - e. A new domestic water service and meter shall be installed per Water Division standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC) and Uniform Fire Code (UFC). The water service shall be a minimum of one inch in size. **(PW)**
 - f. A separate backflow protection device shall be installed, per Water Division standards for domestic water service. **(PW)**
 - g. The existing domestic water service and meter shall be abandoned per Water Division standards. **(PW)**
 - h. Provide a 36-inch box tree or palm equivalent in the front yard. **(PW)**
 - i. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - j. Building permits shall be obtained for the accessory structures constructed without permits or structures shall be demolished.
 - k. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department.
 6. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance

with the intent of the City Council's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the City Council may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. Coastal Development Permit No. 02-21/Conditional Use Permit No. 02-40 shall not become effective until the ten working day appeal period has elapsed. For projects in the **appealable area** of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
2. Coastal Development Permit No. 02-21/Conditional Use Permit No. 02-40 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The City Council reserves the right to revoke Coastal Development Permit No. 02-21/Conditional Use Permit No. 02-40, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. All applicable fees from the Building & Safety, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
6. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the City Council's action.
7. State-mandated school impact fees shall be paid prior to issuance of building permits.
8. An encroachment permit shall be required for all work within the right-of-way. **(PW)**
9. Any proposed cantilevered deck, dock, and/or ramp improvements located in the public waterway shall require separate permits.

Mayor Pro Tem Green stated her opinion that Council should review the ordinance governing these zoning requirements. She inquired from staff when the ordinance was adopted. Planning Director Howard Zelefsky responded the ordinance was adopted in 1992.

A motion was made by Green, second Coerper to revisit the current ordinance for possible revision. The motion **failed** by the following roll call vote:

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

* Verified as to accuracy by City Attorney's Office following the City Council meeting.

(City Council) Public Hearing Held – Approved As Amended Proposed Revision Amending Huntington Beach Municipal Code Chapter 14.36 Relating to the Sewer System Service Connection Charge – Approved As Amended Introduction of Ordinance No. 3613 – Adopted As Amended Resolution No. 2003-52 Establishing Fee Schedule for Sewer Service Connections, Fees, Charges, and Deposits (.)

The City Council considered a communication from the Public Works Director.

Mayor Boardman announced that this was the time noticed for a public hearing for the purpose of considering revisions to the Sewer Connection Charge. The proposed charge would be imposed on property owners as a condition of their development of property that results in an increased use or new connection to the sewer system.

A report detailing the reasons and methodology for the Sewer Connection Charge is available for public review in the City Clerk's Office.

Public Works Director Robert F. Beardsley presented the PowerPoint slide report dated July 7, 2003 titled *Sewer Master Plan and Connection Charge Update* which was included in the agenda packet.

Discussion was held between Council and staff concerning allowing the charge to be adjusted annually per the Consumer Price Index.

Councilmember Cook stated her opinion that the proposed increase in the sewer connection charge should not be tied to the Consumer Price Index.

Mayor Boardman declared the public hearing open.

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

1. After the City Clerk read by title, a motion was made by Cook, second Hardy to **approve as amended to remove reference to the Consumer Price Index** the introduction of **Ordinance No. 3613** - *"An Ordinance of the City of Huntington Beach Amending Chapter 14.36 of the Huntington Beach Municipal Code Relating to Sewer System Service Connection."* The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy
 NOES: None
 ABSENT: None (Houchen out of room)

and

2. Adopt as amended Resolution No. 2003-52 to be effective September 19, 2003 along with Ordinance No. 3613 – Resolution No. 2003-52 – “A Resolution of the City Council of the City of Huntington Beach Establishing the Fee Schedule for Sewer System Service Connections, Fees, Charges and Deposits.” The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: None (Houchen out of room)

The Mayor Recessed the City Council/Redevelopment Agency Meeting and Convened the Civic Improvement Corporation Meeting With All Recorded Present Except Councilmember Houchen Recorded Out of the Room.

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

President Boardman Called to Order the Annual Meeting of the Huntington Beach Civic Improvement Corporation.

Huntington Beach Civic Improvement Roll Call

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

Absent: None (Houchen out of room)

Election of Officers

A motion was made by Coerper, second Cook to approve the election of Mayor Connie Boardman – President, Mayor Pro Tem Cathy Green – Vice President, and City Clerk Connie Brockway – Secretary.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Hardy

NOES: None

ABSENT: None (Houchen out of room)

(Civic Improvement Corporation) Approved and Adopted Minutes

A motion was made by Cook, second Boardman to approve and adopt the minutes of the Huntington Beach Civic Improvement Corporation regular meetings held July 1, 2002 as written and on file in the Secretary's Office. The motion carried by the following roll call vote:

AYES: Boardman, Cook

NOES: None

ABSENT: None (Houchen out of room)

ABSTAIN: Sullivan, Coerper, Green, Hardy (meeting was held prior to their term of office)

President Boardman Adjourned the Annual Meeting of the Huntington Beach Civic Improvement Corporation.

Reconvened the City Council/Redevelopment Agency Meetings

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) City's Participation in the Beaches of Southern California Coalition - Modifications to Agreement No. 001 for Marketing Opportunities

(City Council) Reappointments of Ray Hiemstra, John McGovern, and Carrie Thomas to the Environmental Board for Terms to Expire June 30, 2007

(City Council) Resolution No. 2003-48 Amending Classifications and Modifying Compensation in the City's Classification Plan

(City Council) Amendment No. 2 to Agreement to Provide Staffing Services between the City and Employment Systems, Inc. (ESI)

(City Council) Resolution No. 2003-49 Relating to the Berryman Henigar Update of Citywide Pavement Management Program (PMP) for the Years 2003-2010

Consent Calendar – Items Approved

Councilmember Sullivan announced he would abstain from voting on the approval and adoption of the April 7, 2003 minutes as he had been absent.

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

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
 NOES: None
 ABSENT: None
 ABSTAIN: (Sullivan on the April 7, 2003 minutes)

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular meetings of April 7 and April 21, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Directed City Attorney to Prepare Recommendation Modifying City Council Policy Regarding *Amicus Curiae* Briefs (Requests for Support for a Particular Position in a Pending Case) (.) – Established City Council *amicus curiae* policy as follows: **1.** City Attorney to review *amicus curiae* requests and to prepare a recommendation for City Council consideration; and **2.** In the event time constraints prohibit full City Council consideration, the Legal Affairs Committee is authorized to make a final decision. Submitted by the City Attorney. Funding Source: Not applicable.

(City Council) Approved Amendment No. 1 to the Franchise Agreement between the City and Culver Amherst, L.L.C. for Transit Advertising Services (Bus Benches and Shelters) (600.45) – Approved Amendment No. 1 to Franchise Agreement between the City of Huntington Beach and Culver Amherst, L.L.C. for Transit Advertising Services. Submitted by the City Attorney and the Public Works Director. Funding Source: Not applicable.

(City Council) Approved the Reappointments of Ruth Siegrist, Linda MacDonell Olga Wrobel, John Parodi, and Sid Kuperberg to the Library Board of Trustees (.)

1. Approved the reappointments of Ruth Siegrist, Linda MacDonell and Olga Wrobel to a two-year term expiring June 30, 2005; and 2. Approved the reappointments of John Parodi and Sid Kuperberg to a four-year term expiring June 30, 2007. Submitted by the Library Services Director and as Recommended by City Council Liaisons Dave Sullivan and Gil Coerper. Funding Source: Not applicable.

(City Council) Approved the Reappointment of Blanche Deight to the Personnel Commission with a Term to Expire June 30, 2007 (.) – Approved the reappointment of Blanche Deight to the Personnel Commission for a term to expire June 30, 2007. Submitted by the Administrative Services Director and as Recommended by City Council Liaisons Dave Sullivan and Jill Hardy. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2003-47 Revising the Fee Schedule for Civil Fines for Municipal Code Violations (Pursuant to HBMC Municipal Code Chapter 1.18) Repeals Resolution No. 98-43 (.) – Adopted **Resolution No. 2003-47** – “A Resolution of the City Council of the City of Huntington Beach Revising the Fee Schedule for Civil Fines for Municipal Code Violations.” Submitted by the City Attorney and the Planning Director. Funding Source: Not applicable.

(City Council) Approved Appropriation Revision and Professional Service Contract between the City and CSG Enterprises, Inc. to Backfill Key Positions for Inspection and Plan Review Services - (.) – 1. Approved the transfer of \$50,000 from the Permanent Salaries Account 10055201.51100 to Contract Services Operating Account 10055201.69365 to backfill key positions; and 2. Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and CSG Enterprises, Inc. for Inspection and Plan Review Services* . Submitted by the Building & Safety Director. Funding Source: As stated above.

(City Council) Accepted Bid and Awarded Construction Contract to CBR ENG Contractor for Fire Station No. 2, Murdy Improvement Project; CC-1195 (.) – 1. Accepted the lowest responsive, responsible bid submitted by CBR ENG Contractor in the amount of \$303,785.40 for the Fire Station No. 2, Murdy Improvement Project, CC-1195; and 2. Authorized the Mayor and City Clerk to execute a construction contract with CBR ENG Contract in substantially the same form as the attached sample construction contract. Submitted by the Fire Chief and the Public Works Director. Funding Source: Funds in the amount of \$345,000 are available from General Fund Capital Improvement Projects, Murdy Fire Station, Building Improvements Account. The Engineer’s estimate is \$336,000.

(City Council) Approved Grant of Easement and Acceptance of Drainage for Tract 15549 –Waterfront Residential Development , PLC/Lyon Waterfront Residential LLC (.) – 1.

Approved and authorized the Mayor and City Clerk to execute the *Grant of Easement and Acceptance of Drainage* for Tract 15549; and **2.** Authorized the City Clerk to record the *Grant of Easement and Acceptance of Drainage* with the County Recorder. Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council) Authorized Additional Funds for the Traffic Signal Communications and Operation Upgrade Project (TSCOUP) Phases I and II; CC-1163 (.) –

Authorized an additional \$6,000 (5%) in contingency amount to cover anticipated changes on CC-1163, TSCOUP I and II. Submitted by the Public Works Director. Funding Source: Project funding in the amount of \$160,000 was authorized for the project; however the combination of budgeted grant and matching funds is \$500,000 in OCTA/SIP (Orange County Transportation Authority/Signal Improvement Program) Fund, Traffic Signal Improvements Account.

(City Council) Adopted Resolution No. 2003-50 Adopting the Capital Improvement Programs (CIP) for the Years 2003/2004 through 2009/2010 for Compliance with Measure M and Proposition 111 Requirements (.) – Adopted Resolution No. 2003-50 – “A

Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2003/2004 through 2009/2010 for Compliance with Measure M and Proposition 111 Requirements.” Submitted by the Public Works Director. Funding Source: No funding is required for the resolution. Annual Measure M turnback allocation is approximately \$2 million. (Resolution No. 2003-50 contains an exhibit documenting Measure M Eligibility Projects. The staff report sets forth that Measure M. is the one-half cent sales tax approved by the Orange County voters in November 1990 for countywide transportation improvements.)

(City Council) Approved Hiring of Five Police Officers from the August 2003 Police Academy to Fill Projected Vacancies – Requested as an Exception to the 60-Day Hiring Freeze Adopted by the City Council on May 19, 2003 (to Keep Staffing at Allocated Levels) (.) –

Approved the hiring of five police officers from the August 2003 Police Academy as an exception to the hiring freeze. Submitted by the Police Chief. Funding Source: The existing, approved Police Department budget can absorb the cost of five (5) officers. The funds are available in Police Department’s General Fund Account, Patrol. (The staff report sets forth that in order to keep staffing at allocated levels, it is necessary to request an exception to the 60-day hiring freeze adopted by the City Council at the May 19, 2003 meeting.)

(City Council) Approved Increase in the Appropriation in the Asset/Narcotics Forfeiture Sharing Fund - Authorized Police Program-Related Expenditures (.) – 1.

Authorized the appropriation of \$20,000 from the Narcotics Forfeiture Fund Balance account number 212.31100.1999; and **2.** Increased the Narcotics Forfeiture expenditure account by \$20,000, account number 21270101; and **3.** Authorized the expenditure of the funds for police program related expenses. Submitted by the Police Chief. Funding Source: Total program cost for fiscal year 2002/03 is \$70,000: \$50,000 is already in Narcotics Forfeiture Expenditure Account - \$20,00 from Narcotics Forfeiture Fund Balance. Revenues were received in excess of the appropriated budget. These funds are not allowed to be used for General Fund purposes, existing programs, or existing personnel.

(City Council) Approved the City’s Participation in the Beaches of Southern California Coalition - Executed and Approved Modifications to Agreement No. 001 for Marketing Opportunities (.)

Mayor Pro Tem Green requested that this agenda item be removed from the Consent Calendar in order to receive clarification from staff regarding the impact on present contracts if this agreement is approved.

Director of Community Services Jim Engle stated that there will be no impact on current contracts and future contracts will be considered on an individual basis.

A motion was made by Green, second Boardman to:

1. Approve the Beaches of Southern California Coalition Agreement #001, and authorize the Mayor to execute same as the city’s “Authorized Person,” and the City Clerk to attest; and
2. Approve the deletion of the eighth paragraph of the Coalition Agreement concerning the city’s authority to advertise, sponsor, and license activities on its property, and authorize the Mayor to initial same.

The motion carried by the following roll call vote:

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

(City Council) Approved the Reappointments of Ray Hiemstra, John McGovern, and Carrie Thomas to the Environmental Board for Terms to Expire June 30, 2007 (.)

Mayor Pro Tem Green requested that this agenda item be removed from the Consent Calendar to emphasize her appreciation for having great appointees to the Environmental Board.

A motion was made by Green, second Coerper to:

Approve the reappointments of Ray Hiemstra, John McGovern, and Carrie Thomas to the Environmental Board for a term to expire June 30, 2007 as recommended by Council liaisons Boardman and Hardy.

The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2003-48 Amending Classifications and Modifying Compensation in the City's Classification Plan (.)

Mayor Pro Tem Green requested that this agenda item be removed from the Consent Calendar in order to discuss whether classifications deleted would be removed from the City Classification Plan. The staff report sets forth that proposed amendments are related to departmental budget cuts, resulting in a savings of approximately \$1,365,000 annually and lists five new classifications, six deleted classifications, and four modified classifications.

Mayor Pro Tem Green also inquired if the position should be required in the future, would it be processed through the Personnel Commission and if some of the positions may be filled by employees bumping down.

Administrative Services Director Clay Martin clarified that all present changes in the Classification Plan or positions would be required to ultimately come back to Council to be reinstated.

A motion was made by Boardman, second Hardy to:

Adopt Resolution No. 2003-48 – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Adding, Deleting and Modifying Classifications and Modifying Compensation in the City Classification Plan.

The motion carried by the following roll call vote:

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

(City Council) Approved Amendment No. 2 to Agreement to Provide Staffing Services between the City and Employment Systems, Inc. (ESI) (.)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar as he would like clarification regarding the increase in funds requested for staffing from Information Systems Director Janis Ingels. Information Systems Director Ingels responded that the increase was regarding the funding cap for contract services. She stated the funds were already budgeted with no additional funding for this agreement required. Director Ingels also reported the reason for increasing the cap was to retain contract people so they could train replacement employees in the Information Systems Department.

A motion was made by Hardy, second Sullivan to:

Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to Agreement to Provide Staffing Services between the City of Huntington Beach and Employment Systems, Inc.*

The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2003-49 Relating to the Berryman Henigar Update of Citywide Pavement Management Program (PMP) for the Years 2003-2010 (.)

Mayor Pro Tem Green requested that this agenda item be removed from the Consent Calendar in order that she could receive clarification on how the cutbacks in the Public Works Department will impact the citywide pavement program.

Director of Public Work Robert F. Beardsley responded that the program will be unchanged. He stated the asphalt and slurry work will not be affected but the cutbacks would eliminate sidewalk repair.

A motion was made by Green, second Boardman to:

Adopt Resolution No. 2003-49 – “A Resolution of the City Council of the City of Huntington Beach Adopting the Berryman Henigar Update of Citywide Pavement Management Program – 2003-2010.”

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

(Redevelopment Agency) Received and Filed the Southeast Coastal Redevelopment Project Area Public Improvements and Facilities Report and Conceptual Five-Year Capital Improvement Program (.)

The Redevelopment Agency considered a communication from the Deputy Executive Director informing the agency members that in preparation of the receipt of the first Southeast Coastal Redevelopment Project Area property tax increment revenues as of Fiscal Year 2003-2004, a conceptual Five-Year Capital Improvement Program had been developed for the area. This report was being provided to the Redevelopment Agency as an informational item as it will form the basis of the FY 2003-04 budget being developed for consideration in August 2003.

City Administrator Ray Silver introduced Redevelopment Agency Deputy Executive Director David Biggs who presented a PowerPoint slide report dated July 7, 2003 titled *Southeast Coastal Redevelopment Area Capital Projects Report* which was included in the agenda packet. He stated the Redevelopment Plan had been adopted in June of 2002.

Deputy Executive Director Biggs stated the purpose of presenting this agenda item was for receiving and filing only and he emphasized the proposed list of capital projects to be included in next year's budget.

A motion was made by Coerper, second Green to:

Receive and file the Southeast Coastal Redevelopment Project Area Public Improvements and Facilities Report and Conceptual Five-Year Capital Improvement Program.

The motion carried by the following roll call vote:

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

(City Council) Approved City Council Position on Legislation (Assembly and Senate Bills) Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (.)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook: The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

Considerable discussion was held among Council concerning AB 974.

Mayor Pro Tem Green presented reasons why she is opposed to the bill in its present form after meeting with inland Native Americans.

A motion was made by Cook, second Hardy to: **Support AB 974 (Nation)**. Coastal zone; archaeological or paleontological resources. (06/02/03) The motion carried by the following roll call vote:

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

A motion was made by Coerper, second Houchen to approve the following recommended actions on the remainder of the Assembly and Senate Bills: The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on these items, and authorize the Mayor to send letters to the legislators reflecting the approved position:

Oppose HR 1027 (Saxton). Federal Water Pollution Control Act. (Introduced 02/27/03.)

Reconsider and continue to watch SB 407 (Torlakson). ~~Vehicle License Fees~~. Local government financing; enterprise special districts: property tax revenue allocations. (Amended 06/17.)

Reconsider and continue to oppose AB 572 (Yee). Employment. (Amended 06/18.)

Support AB 586 (Koretz). Litter and Marine Debris: Tobacco-related. (Amended 04/22.)

Oppose efforts by the State to divert Proposition 42 Transportation funds.

Oppose Assemblyman Tom McClintock's Initiatives - SA2003RF0027 & SA2003RF0026 to "End the Car Tax" (The Vehicle License Fee). (Introduced 6/20.)

The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Adopted Resolution No. 2003-53 Adopting the Reductions to the City Budget for Fiscal Year 2002/03 - Approved Continuation of the Current Hiring Freeze (Adopted by City Council at the May 19, 2003 Meeting) until September 15, 2003 with the Exception of the Formal Layoff Process and Other Previously Approved Exceptions and Approved Redevelopment Agency Recommended Reductions (.)

The City Council considered a communication from the City Administrator, the Assistant City Administrator and the Administrative Services Director requesting **City Council approval** of reductions to the Fiscal Year 2002/03 revised budget of \$11,100,653 and **Redevelopment Agency approval** of reductions to the budget for the Redevelopment Agency for Fiscal Year 2002/03.

City Administrator Ray Silver delivered a PowerPoint slide report dated July 7, 2003 titled *Proposed Changes to Fiscal Year 2002/2003 Budget* which was included in the agenda packet and summarized the proposed budget reductions.

Considerable and lengthy discussion between Council and staff ensued concerning budget cuts and the elimination of HBTv-3 programming.

A motion was made by Houchen (second inaudible) to not eliminate HBTv-3 at this time and give six months for the program to succeed or fail; hopefully succeed, and return at a study session.

The motion **failed** by the following roll call vote:

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

At this time City Administrator Ray Silver suggested the City Council adopt the recommended budget actions.

A motion was made by Sullivan, second Boardman to approve the **City Council** recommended action to:

1. Adopt **Resolution No. 2003-53** – "A Resolution of the City Council of the City of Huntington Beach Adopting Reductions to the Budget for the City for Fiscal Year 2002/03;"

and

- 2. Continue the hiring freeze adopted by the City Council until September 15, 2003 except for the formal layoff process and all other previously approved exceptions.

and

Approve **Redevelopment Agency** recommended action to:

Approve reductions to the budget for the Redevelopment Agency for Fiscal Year 2002/03.

The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3610 Amending Chapter 3.36 of the Huntington Beach Municipal Code Re: the City’s Utility Users Tax (UUT) to Reflect Recent Regulatory, Technological, and Economic Changes in the Utilities Industries (Southern California Edison, The Gas Company, and Time Warner Cable) (640.10)

After the City Clerk read by title, a motion was made by Hardy, second Coerper to adopt **Ordinance No. 3610** – *“An Ordinance of the City of Huntington Beach Amending Chapter 3.36 of the Huntington Beach Municipal Code Regarding the Utilities Tax of the City of Huntington Beach.”* The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3612 as Amended to Include \$150 limit with Consumer Price Index (CPI) Amending Huntington Beach Municipal Code Chapter 2.05 Entitled *Gifts to Public Officials* and Adopted Resolution No. 2003-51 as Amended Revising the City’s Code of Ethics to be Consistent with State Law and Amending the City Council Manual (.)

City Attorney Jennifer McGrath announced the proposed modifications were returning to Council per Council direction at the June 2, 2003 City Council meeting.

Considerable discussion was held concerning the proposed gift limit of \$340 from any single source per State law. Council received clarification from City Attorney Jennifer McGrath regarding State law requirements.

Mayor Boardman stated her opinion that her main concern was consistency between the City’s Gift Ban, Code of Ethics and State law.

Further discussion ensued concerning the proposed dollar amount of the gift limit, including suggestions in a range from \$50 to \$340 from any single source. The inclusion of spouses was also discussed.

After the City Clerk read by title a motion was made by Boardman, second Sullivan to approve introduction **as amended** to include a \$150 limit with Consumer Price Index, **Ordinance No. 3612** - *"An Ordinance of the City of Huntington Beach Amending Chapter 2.05 of the Huntington Beach Municipal Code Entitled Gifts to Public Officials."* The motion carried by the following roll call vote:

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

City Clerk Connie Brockway requested a separate City Council vote for clarification on Resolution No. 2003-51.

A motion was made by Boardman, second Coerper to adopt **as amended Resolution No. 2003-51** *"A Resolution of the City Council of the City of Huntington Beach Revising the City's Code of Ethics and Amending the City Council Manual"* to include the minute action of January 16, 2003 which requires the Personnel Department to store the signed employee Code of Ethics forms and the City Clerk to store the signed Boards, Commissions and Committees Code of Ethics forms.

The motion carried by the following roll call vote:

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

(City Council) Congratulations Extended Regarding the Fourth of July

Councilmember Coerper thanked the Fourth of July Board for an outstanding job. He also thanked the Police Department, Fire Department, Councilmember Houchen and Councilmember Cook for their great contributions to the Fourth of July events.

(City Council) Congratulations Extended to Fire Chief Duane Olson

Mayor Pro Tem Green congratulated Duane Olson on his recent appointment to Fire Chief.

(City Council) Birthday Greetings Expressed

Councilmember Cook extended birthday wishes to her son.

(City Council) Congratulations Extended to the Fourth of July Committee

Councilmember Houchen thanked the Fourth of July Committee for their hard work and successful Fourth of July holiday events.

(City Council) Announcement Made Regarding the Fourth of July

Councilmember Hardy thanked the Fourth of July committee for a great parade and announced that the "NBC Nightly News" covered our parade on television.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, July 21, 2003, 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