

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

Monday, August 5, 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/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: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
Absent: None

(City Council/Redevelopment Agency) Study Session – Community Services Update – Presentation Made by Jim Engle, Deputy Director Community Services / Beaches / Recreation Development Re: Capital Improvement Program Projects Including Phase I and II Beach Improvements, Park Improvements, and New Funding Opportunities (320.40)

Jim Engle, Deputy Director Community Services/Beaches/ Recreation Development gave a PowerPoint presentation titled *Community Services Projects*, which is included in the agenda packet. The PowerPoint report included (1) Beach Maintenance Facility; (2) Huntington Central Park Sports Complex (HCP); (3) South Beach Improvements Phases I & II; (4) Tot Lot Replacement Equipment & Park Play Equipment Replacement; (5) Rodgers Senior Center; (6) Murdy Park – Edison Park/Kettler; (7) Waterfront Cabana & South Beach Concession Facelifts; (8) Law Enforcement Training Center; (9) Dog Park Relocation; (10) Hansen Recycling Center – Future Funding Options.

Community Services Director Ron Hagan reviewed other Community Services Department projects such as the Hansen Recycling Center, Dog Park Relocation and Waterfront Cabana/Concession Improvements.

Councilmember Green inquired about the \$18 million for the HCP (Huntington Central Park) Sports Complex. Community Director Hagan replied that approximately \$14 million is for the site preparation, landfill clean-up and mitigation.

Mayor Cook asked if the Hansen Recycling Center were to move to the old Police gun range site what would happen to the proposal that the Dog Park be relocated to this site. Community Services Director Hagan informed Council that a staff proposal will be brought to Council this fall with a plan to move Hansen Recycling Center to the old police gun range site. He informed Council that Hansen Recycling Center would pay for the clean-up, and in addition relocate Dog Park to the old police gun range site.

Mayor Pro Tem Boardman asked what would prevent Hansen Recycling Center from moving if the City increases Hansen Recycling Center's rent to market rates. Community Services Director Hagan informed Council that the market demand in the Orange County area would discourage Hansen Recycling from moving.

Motion to Recess to Closed Session – Approved

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

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

(City Council) Closed Session – Pursuant to Government Code Section 54956.8 to give instructions to the city's negotiators, **Amy Bodek, Real Estate Manager** regarding negotiations with bidders **Leopoldo & Amparo Arroyo and Sandra and Albert Valdez, Sharon & Norman I. Harbolt, Jr. and Hsing Chuan & Chen Chu; Brian and Barbara Sullivan; Robert J. Koury; Michael R. Levy** concerning the purchase/sale/exchange/lease of the property located at 438 Main Street, Huntington Beach. Instruction will concern both price and terms of payment. Subject: **Property at 438 Main Street.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Department of Fair Employment and Housing v. City of Huntington Beach** [Real Party in Interest: Jeffrey Renna]; Orange County Superior Court Case No. 01CC09578. Subject: **Department of Fair Employment and Housing v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator, Clay Martin, Director of Administrative Services; Ronald Hagan, Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **HBMEA, HBMEO, and SCLEA.** Subject: **Labor Relations – Meet & Confer.** (120.80)

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

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

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

City Council - Redevelopment Agency Roll Call

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

Flag Ceremony/Pledge of Allegiance) – Boy Scout Troop 558, Marine View Middle School and Spring View Middle School. Patrol Leader Eric Freeman.

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:

A communication via City Administrator Ray Silver to the Mayor and City Councilmembers dated August 2, 2002 from Ronald Lowenberg Chief of Police titled *Proposed Sale of Shank House*.

Slide show presentation dated August 5, 2002 from Shari Freidenrich, City Treasurer, titled *June Treasurer's Report*.

Slide show presentation dated August 5, 2002 from the Fire Department titled *Proposed Adoption of New Emergency Medical Service User Fees*.

Communication dated August 5, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *Public Hearing for the Issuance of Multifamily Housing Revenue Bonds for Huntington Village Senior Apartments*. Communication titled *Late Communication for Agenda Item D-3*.

Slide show presentation dated August 5, 2002 from the Building & Safety and Fire Departments titled *Proposed Adoption of New Fees*.

Slide show presentation submitted by the Planning Department to the City Clerk's Office on August 5, 2002 titled *Zoning Text Amendment No. 02-01 – Wireless Communication Facility Ordinance*.

Communication dated August 5, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *Approval of 2002/2003 Action Plan for CDBG and Home Programs – Public Hearing Item D-6 – August 5, 2002*. Communication titled *Late Communication – Item D-6*.

Communication dated August 5, 2002 from the Economic Development Department submitting two spreadsheets reflecting historical funding data for the Community Development Block Grant (CDBG) Program titled *City of Huntington Beach – Community Development Block Grant Program Late Communication Item D-6*.

Communication dated August 5, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *Huntington Beach Hotel/Motel Business Improvement District – August 5, 2002 – Agenda Item D-7*. Communication titled *Late Communication – Item D-7*.

Communication dated August 5, 2002 from G. Victor Leipzig urging Council to select a later date on which to hold the election and to direct the City Attorney to conduct a thorough legal analysis of the proposed charter amendment.

Communication dated August 5, 2002 from Mark Bucher, Attorney at Law, commenting on a communication received by Nossaman, Guthner, Knox & Elliott, LLP. Communication titled *Agenda Item F-3 and John Erskine Letter Dated July 31, 2002*.

Communication dated August 5, 2002 from Gino J. Bruno transmitting concerns relating to the proposed charter amendment. Communication titled *Agenda Items F-3, et.seq.*

The Following Additional Late Communications Were Submitted During the Meeting:

Communication from the Community Services Director dated July 26, 2002 referred to by City Administrator Ray Silver and handed to the City Clerk just prior to staff report on a Public Hearing item. Said communication titled *August 5, 2002 Public Hearing – CDBG Funding Impacts, Staff Recommendations Vs Citizens Participation Advisory Board Recommendations.*

The Mayor announced the passing of Mike Abdelmuti, a wonderful person and businessman who contributed much to the City and who will be deeply missed.

Presentation by Mayor Cook to Don MacAllister, founding member of the HB International Surfing Museum; and Ann Beasley, World Ambassador for HB International Surfing, of a “Duke Stamp Proclamation” celebrating issuance of the Duke Paoa Kahanamoku stamp, for his contributions to the world of Surfing and his love of Huntington Beach. On August 25, 2002 the HB International Surfing Museum will celebrate the “Second Day of Issue” event. The “First Day of Issue” will be in Hawaii on Saturday, August 24, 2002. (160.40)

Presentation to Mayor Debbie Cook and Robert F. Beardsley, Director, Public Works, by Director Joan Finnegan, Division Four Director, Municipal Water District of Orange County, of the MWDOC 50th Anniversary Commemorative Poster to the City Council in recognition of the City of Huntington Beach for its local water management efforts and its ongoing cooperative relationship with MWDOC. (160.40)

Public Comments

John Erskine Attorney for the law office of Nossaman, Guthner, Knox & Elliott, LLP, referred to his letter dated July 31, 2002, which is included in the agenda packet. He informed Council that based on his analysis, there are legal defects in the proposed charter amendment. Mr. Erskine suggested that before an election on this amendment the validity of the measure should be reviewed.

Benjamin Pugh informed Council that he is a Civil Attorney and has reviewed Mr. Erskine’s letter and disagrees with his analysis mainly the “single subject” issue. Mr. Pugh referred to a Late Communication from Mark W. Bucher Attorney at Law announced earlier by the City Clerk, disputing Mr. Erskine’s letter. He stated that the citizens of Huntington Beach should have the right to vote and to put the (Fair Districts) Charter Amendment on the November 2002 ballot.

Joseph Jeffrey requested Council to adopt Resolution No. 2002-77 and place the (Fair Districts) Charter Amendment on the November 5, 2002 ballot. He referred to Mark W. Bucher’s Late Communication announced earlier by the City Clerk, which answered in detail the issues brought forth by Mr. Erskine’s letter. Mr. Jeffrey stated that this is a fair petition and the citizens have a right to vote on how they are represented.

J. Devin Dwyer asked Council to adopt Resolution No. 2002-77. He stated in his opinion that the letter Mr. Erskine wrote is misleading and Mr. Bucher’s letter is not. Mr. Dwyer stated that the voters should decide on November 5, 2002, as a special election would cost the taxpayers money.

Michael Guest informed Council that he favors and collected signatures for the Fair District Initiative and requested that it be put on the November 5, 2002 ballot.

Matthew Harper informed Council that he is a trustee of Huntington Beach Unified High School District (HBUHSD) and was involved in collecting signatures for the (Fair Districts) Charter Amendment. He asked Council to allow the people the right to vote on the (Fair Districts) Charter Amendment and put it on the November 5, 2002 ballot.

Ron Shenkman informed Council that he is a member of C.A.P.P. (Citizens Against Power Politics). Mr. Shenkman stated that Councilmember Ralph Bauer is not a leader nor a member in this organization as indicated in Mr. Bucher's letter. He read from a copy of the Campaign Disclosure Form 460 filed by the Neighborhood Citizens for Fair Districts showing \$81,000 cash contributions as of June 30, 2002. He urged Council to delay putting the charter amendment proposal on the ballot and allow time to evaluate the proposed measure.

George Mason voiced his concern regarding the (Fair Districts) Charter Amendment. He stated that in his opinion this charter amendment proposal clearly violates the "single subject" rule. He strongly recommended that Council delay action to allow time for the legality of this proposed charter amendment to be determined.

Mayor Cook confirmed with the City Clerk that campaign disclosure Form 460 for all campaign committees are available to the public and on file in the City Clerk's office.

Public Comments resumed

Linda Moon, President of Amigos de Bolsa Chica, informed Council that she agrees with Mr. Erskine's letter. She stated that the proposed charter amendment needs thorough legal review, and that the city needs more not fewer to represent the citizens. Ms. Moon stated that the citywide election of councilmembers gives citizens representation by all Councilmembers and that districting would limit the individual to only one Council representative.

Tom Livengood, member of Citizens Against Power Politics (C.A.P.P.), stated his concern about the potential legal issues which he believes the proposed charter amendment contains. Mr. Livengood recommended that Council place this measure on the March 2004 ballot and establish a charter revision committee to review the legality of the proposed amendment as well as to better inform the citizens.

John Scott informed Council he is a member of C.A.P.P (Citizens Against Power Politics) and requested that the proposed charter amendment be referred to the City Attorney or outside counsel to review any legal issues. Mr. Scott stated that this (Fair Districts) Charter Amendment should be accurate when presented to the voting public.

Jill Hardy spoke in opposition to the proposed charter amendment. Ms. Hardy said that a City of our size needs seven councilmembers. She stated by reducing Council from seven to five members would also reduce the membership on some City boards and commissions as well. Ms. Hardy stated that districting means less individual representation. She urged that all legal issues should be addressed before going on the ballot.

Topper Horack spoke in opposition to the proposed charter amendment. He voiced his opinion that reducing the Council to five members would mean reducing the Planning Commission to five. Mr. Horack stated that districting reduces an individual's representation and the option to speak with the other councilmembers to get his voice heard.

Dave Sullivan voiced his concern with the proposed charter amendment regarding the "single subject" rule. He urged Council to take responsible action and refer to legal authority to answer questions regarding this measure before putting it on the ballot.

Ed Kerins stated he has serious issues regarding the validity of the proposed charter amendment as it relates to possible violation of the "single subject" rule. He opposed districting as it will reduce the voter's ability to vote for seven councilmembers; limiting a voter to vote for only one from their district.

Brian Rechsteiner spoke in opposition of the proposed charter amendment stating that if council membership is reduced to five councilmembers, it would mean the City could be run on three votes. Mr. Rechsteiner stated his belief that the City needs seven councilmembers elected citywide to represent the voters. He stated that the proposed measure needs to be looked at very carefully as to understanding what is being proposed.

Bruce Peotter informed Council he is an attorney for the Fair Districting Initiative Committee and stated that it is Council's job to solely certify the petition signatures and place the measure on the ballot. He stated the issue is when the election is to be held and based on his legal opinion the measure should be placed on the November 5, 2002 ballot.

Gerald Chapman member of C.A.P.P. (Citizens Against Power Politics) stated that the voters who signed the proposed charter amendment deserve its placement on the ballot but time is needed to look into potential problems. Mr. Chapman stated that the March 2004 election meets the requirement of the law.

Paul Honcan stated he was not a member of C.A.P.P. (Citizens Against Power Politics) but would like to be one. He spoke in opposition of the (Fair Districts) Charter Amendment and believes the matter should be placed on the March 2004 ballot.

Norm Westwell informed Council that he is planning to run for City Council. He stated that although he may not agree with the charter amendment measure the voters have signed the petition to put this issue on the ballot. Mr. Westwell stated that the public needs to be educated on how this measure will take away representation.

Dick Harlow informed Council that he is a member of C.A.P.P. (Citizens Against Power Politics). He stated the citizens need to know if the (Fair Districts) Charter Amendment is free from legal issues or if it could be overturned in the courts if passed. Mr. Harlow urged Council to review this measure before putting it on the ballot.

Debbie Borden objected to the absence of the Invocation from the Agenda. Ms. Borden offered the invocation.

Joey Racano outlined his vision for the future of Huntington Beach such as regionalization of Fire Department services, improved citywide recycling, improved transportation for seniors and his opposition to the Fair Districting Initiative.

Renee Demers, Project Self-Sufficiency member, urged Council not to reduce the funding for this wonderful program.

Bill Orton informed Council he is running for Assembly. He showed a brief video of the Bolsa Chica Mesa and urged residents to contact Assemblyman Tom Harman and urge his vote for the State Budget to save the Bolsa Chica Upper Mesa Project.

Wayne LaVigne informed Council he is the President of What A Lot of Pizza and spoke against prohibiting banner towing airplanes.

Steve Bone spoke in opposition to the (Fair Districts) Charter Amendment. He stated that a city of 200,000 needs all of the representation and diversity seven councilmembers can bring.

Josh Rosenbaum objected to the amount of income to which a person is restricted, in order to qualify for homes sold under the affordable housing provisions.

Don McGee spoke in opposition to the banner towing airplanes.

Mark Porter informed Council he was on the original 1965 Charter Revision Committee and at that time the council membership was increased from five to seven. He stated his belief that there are legal issues involved in the proposed charter amendment that should be looked into.

Jim Martin expressed his appreciation for the agenda item relative to the traffic signal at Beach Boulevard at Taylor Drive, which he stated was needed due to accidents at that location. Mr. Martin asked Council to spend time on the proposed charter amendment stating that it is time for a review of the City Charter.

Councilmember Bauer – Response to Public Comment

Councilmember Bauer responded to a speaker who referred to him as a power broker. He read from an article titled *AES Pushes for Friendlier Surf City* published in the May 18, 2002 Orange County edition of the Los Angeles Times.

(City Council) Declared Parcels as Amended as Surplus Property and Directed Staff to Return to the Council/Redevelopment Agency for Appropriate Action at a Date Uncertain (560.70)

The City Council considered a communication from Mayor Pro Tem/Vice Chair Connie Boardman on behalf of the Economic Development Committee transmitting that in December 2001, staff prepared a comprehensive inventory of all property owned by the City of Huntington Beach and the Redevelopment Agency. The majority of the parcels are improved for public purposes, such as the Civic Center complex, parks, beaches, water reservoirs, well sites and other public facilities. There are, however, a number of parcels that are either vacant or underutilized.

At the July 8, 2002 Economic Development Committee (EDC) meeting, staff presented a list of 13 properties for consideration and review. Committee members in attendance were, myself, Councilmember Houchen, and Councilmember Winchell.

The attached list identifies EDC's recommendations on each of the 13 properties. From this list, EDC unanimously recommends that the four following properties be considered for surplus and ultimate sale:

Owner	Locations	Est. Value
RDA	438 Main Street	\$735,000
RDA	200-204 Fifth Street (Shank House)	\$585,000
City	Parcel at Center/Huntington Village Way	\$185,000
City	Emerald Cove	\$3,000,000
		\$4,505,000

EDC further recommended that the Shank House be considered for surplus only if its historic status could be protected through covenants, restrictions or other mechanisms. The EDC would not support the Shank House being declared surplus if the building could later be torn down for future development.

The EDC was unanimous in its belief that the appraised values assigned to the surplus properties were below today's current market values, particularly for the properties located in the Downtown.

If the City Council grants approval to declare these four properties surplus, staff will finalize the necessary background research and then seek additional City Council authorization to proceed with an actual sale.

Mayor Pro Tem Boardman stated that in her opinion the estimated values of these four properties were too low, she expressed her concern that the Shank House be protected and not destroyed.

City Administrator Ray Silver said that he would bring back the second tier phase list of surplus properties. He informed Council that staff is working on a property-by-property basis.

Council voiced concerns regarding 1.) the need for police presence in the downtown area; 2.) the need to revise estimated values; and 3.) to bring Emerald Cove rents up to Federal Affordability Standards.

Police Captain Jon Arnold reported at the request of Council, regarding the importance of the downtown police substation at the Shank House.

A motion was made by Green, second Bauer to approve the Recommended Action **as amended** to use commercial brokers and to direct the City Attorney's Office to prepare the appropriate resolutions to declare the following properties (except Shank House) as surplus: (1) 438 Main Street (2) Parcel at Center/Huntington Village Way (3) Emerald Cove; and direct staff to return to the City Council with separate resolutions and requests for action at the appropriate time with direction on Emerald Cove that commercial brokers know that rent of senior units can be brought up to the full restricted rent for low income and very low income seniors; that rents would remain same for current senior residents; also that an alternative to a police substation at the Shank House will be explored.

Councilmember Winchell requested and Council concurred that a report be presented on the income level of all seniors currently residing at Emerald Cove.

The motion carried by the following roll call vote:

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

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's June 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 June 2002.

Treasurer Freidenrich presented the PowerPoint slide report announced as a Late Communication earlier in the meeting by the City Clerk.

A motion was made by Green, second Houchen to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for June 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, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council) Opened and Continued to August 12, 2002 at 4:00 P.M. to Consider Adoption of Resolution No. 2002-71 Relating to the City's FireMed Emergency Medical Services Cost Recovery Fee Schedule (340.20)

A motion was made by Houchen, second Cook to continue to an adjourned meeting to be called for August 12, 2002 at 4:00 p.m., consideration of the adoption of **Resolution No. 2002-71** amending Resolution No. 97-54 titled "*A Resolution of the City Council of the City of Huntington Beach Setting Advanced Life Support, Basic Life Support, Emergency Ambulance Transportation, Medications and Specialized Supply Fees to be Charged by the Fire Department of the City of Huntington Beach.*" The motion carried by the following roll call vote:

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

(City Council) Opened and Continued to August 12, 2002 at 4:00 P.M. to Consider Approval of Revised Comprehensive Fee Schedule for the Building and Safety and the Fire Departments and Automation Fee for all Development and Business License Service Fees – Adopt Resolution No. 2002-75 (340.20)

A motion was made by Houchen, second Cook to continue to an adjourned meeting to be called for August 12, 2002 at 4:00 p.m. consideration of the adoption of **Resolution No. 2002-75** – "*A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 Entitled, 'A Resolution of the City Council of the City of Huntington Beach Establishing a Fee Schedule,' and Specifically Establishing New Development and Business License Service Fees (Supplemental Fee Resolution No. 88).*"

The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Adopted Resolution No. 2002-72 – Approved Annual Assessment for Fiscal Year 2002-2003 to Fund Improvements Within Huntington Beach Auto Dealers Business Improvement District (BID) (460.30)

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

Public hearing pursuant to Resolution of Intention No. 2002-66 adopted on July 15, 2002 to hear all interested persons for or against the continuation of the Huntington Beach Auto Dealers Business Improvement District (BID) Assessment and the furnishing of specified types of improvements or activities. Said hearing is for the purpose of hearing all interested persons for or against levying of the assessment, and the furnishing of specified types of improvements or activities. Protests may be made orally or in writing; but, if written, shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest. If written protests are received by the owners of businesses within the District, which will pay 50% or more of the total assessments to be levied, no further proceedings to levy the proposed assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activity within the District, those types of improvements or activities shall be eliminated.

Fiscal Year 2002-2003 dealer assessments are based upon \$815/month for each of the 13 member dealers. The Huntington Beach Auto Dealers Association is the Board of Directors for the BID and they propose assessments for the BID for City Council review and approval. The Huntington Beach Auto Dealers Association unanimously approved the 2002-2003 BID budget at their June 2002 meeting.

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

Mayor Cook declared the 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 Cook declared the public hearing closed.

A motion was made by Dettloff, second Green to Adopt City Council **Resolution No. 2002-72 - "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment for Fiscal Year 2002-2003 to Fund Improvements within the Huntington Beach Auto Dealers Business Improvement District."** The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Adopted Resolution No. 2002-73 Approving Issuance by the California Statewide Communities Development Authority of Multi-Family Affordable Housing Revenue Refunding Bonds – Village Senior Apartments (to be Renamed Heritage Park at Huntington Beach) 16171 Springdale Street – 114 Units – Huntington Beach Heritage Park, L.P., Owner and Operator (330.30)

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

Public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which the City Council of the City of Huntington Beach will hear and consider information concerning the proposed issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in an aggregate principal amount not to exceed \$10,000,000 to finance the acquisition and rehabilitation of an 114-unit multifamily rental housing project located at 16171 Springdale Street, Huntington Beach, California, and generally known as Huntington Village Senior Apartments, which is to be renamed Heritage Park at Huntington Beach (the "Project"). The Project will be owned and operated by Huntington Beach Heritage Park, L.P., a California limited partnership, or affiliated entities.

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

Director Economic Development David Biggs gave a PowerPoint presentation from a Late Communication titled *Public Hearing for the Issuance of Multifamily Housing Revenue Bonds for Huntington Village Senior Apartments*.

Mayor Cook declared the public hearing open.

The City Clerk restated for the record, the following Late Communication that pertained to this public hearing.

Communication dated August 5, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *Public Hearing for the Issuance of Multifamily Housing Revenue Bonds for Huntington Village Senior Apartments*. Communication titled *Late Communication for Agenda Item D-3*.

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

A motion was made by Green, second Dettloff to Adopt **Resolution No. 2002-73** – "A Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority." The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: None (Houchen out of room)

(City Council) Public Hearing Held - Approved Zoning Text Amendment No. 02-01 Wireless Communications Facilities (Various Commercial, Industrial and Residential Districts) – Approved Introduction of Ordinance No. 3568 Amending Chapter 230 (Site Standards) of the Huntington Beach Zoning and Subdivision Ordinance (450.20)

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

Applicant: City of Huntington Beach

Request: To amend Chapter 230 (Site Standards) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to establish wireless communication facility development regulations. The request includes amending various sections of the HBZSO as it pertains to definitions and permitting wireless communications facilities in various districts (residential, commercial, industrial, etc.).

Location: Citywide

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

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

Mayor Cook declared the public hearing open.

Assistant Planner Jason Kelley presented a slide show submitted as a Late Communication announced earlier by the City Clerk titled *Zoning Text Amendment No. 02-01 – Wireless Communication Facility Ordinance*.

Prior to announcing the public speakers, the City Clerk restated for the record the Late Communication, which pertain to the public hearing that had been announced earlier in the meeting.

Slide show presentation submitted by the Planning Department to the City Clerk's Office on August 5, 2002 titled *Zoning Text Amendment No. 02-01 – Wireless Communication Facility Ordinance*.

William Bennett representative of Spectra Site Communications informed Council that Spectra owns and manages several existing wireless telecom facilities in Huntington Beach and is looking forward to working with the city's new ordinance. He requested the stealth locations be considered on a site specific basis rather than on a blanket requirement.

Leslie Daigle representing Verizon and AT & T Wireless expressed appreciation to be included in this process as they are very interested in locating on city properties. She informed Council of her one concern regarding the treatment of the undergrounding language.

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

Council member Winchell received clarification from Mary Beth Broeren, Senior Planner regarding the two speakers concerns.

A motion was made by Dettloff, second Boardman to Approve Zoning Text Amendment No. 02-01 with Findings for Approval (Attachment No. 1) and approve introduction of **Ordinance No. 3568** – “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Relating to Wireless Communications” amending various sections of the Huntington Beach Zoning and Subdivision Ordinance and adding Section 230.96 thereof relating to wireless communication facilities (Attachment No. 2).”

The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None (Green out of room)

A motion was made by Houchen, second Cook to move this Agenda Item No. D-7 (Ordinance No. 3569) forward after Agenda Item D-5 (Ordinance No.3568). The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None (Green out of room)

(City Council) Public Hearing Held Pursuant to Resolution of Intent No. 2002-69 Adopted on July 15, 2002 to Consider the Formation of a Proposed Huntington Beach Hotel/Motel Business Improvement District – Approved Introduction of Ordinance No. 3569 (460.30)

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

Public hearing scheduled pursuant to **Resolution of Intent No. 2002-69** adopted on July 15, 2002 to hear all interested persons for or against the formation of a Community Facilities District (CFD) which would allow for all hotels and motels in Huntington Beach to achieve the goal of promoting the City as an overnight destination without increasing the City’s annual contract amount with the Conference & Visitors Bureau. The establishment of a Business Improvement District requires approval by the City Council as set forth by state law.

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

Director of Economic Development David Biggs gave a PowerPoint presentation from a Late Communication announced earlier in the meeting by the City Clerk titled *Huntington Beach Hotel/Motel Business Improvement District – August 5, 2002 – Agenda Item D-7*.

Mayor Cook declared the public hearing open.

Kevin Patel President of the Huntington Beach Hotel/Motel Business Association urged Council to vote in favor of the proposed Business Improvement District.

Steve Bone, Managing Partner for the Hilton Waterfront and Hyatt Regency Huntington Beach Resort and Spa stated he supports establishing a Business Improvement District that will help to maximize the city's potential for a tourist destination. Mr. Bone expressed the need for advertising with the various medias and participation in a cooperative advertising program.

Steve Daniel, Chairman of the Visitors and Conference Bureau and local business owner, urged Council to support and vote in favor of the Business Improvement District.

Doug Traub, President of the Huntington Beach Conference and Visitors Bureau, thanked Council for this opportunity to establish a Business Improvement District as he believes it is a positive step in the right direction for the city.

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

Mayor Pro Tem Boardman stated reasons why she believes the Conference and Visitors Bureau should be open on weekends. The Council received confirmation from Mr. Traub that this issue is not a tax increase and that the Visitors Bureau is open Monday through Friday.

The City Clerk restated for the record the Late Communication, which pertain to the public hearing that had been announced earlier in the meeting.

Communication dated August 5, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *Huntington Beach Hotel/Motel Business Improvement District – August 5, 2002 – Agenda Item D-7*. Communication titled *Late Communication – Item D-7*.

A motion was made by Green, second Boardman to Approve introduction of **Ordinance No. 3569** – *“An Ordinance of the City Council of the City of Huntington Beach, California, Establishing a Business Improvement District, Called the ‘Huntington Beach Hotel/Motel Business Improvement District’, for All Huntington Beach Hotels and Motels.”*

The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held and Approved Staff Recommendation as Amended to Find in Budget to Reach Staff Recommended Level of Funding for Project Self-Sufficiency AND Approved Staff Recommendation as Amended with the Following Amendments: Adult Day Services \$10,000, Huntington Beach Community Clinic \$23,000, Project Self-Sufficiency \$56,496, Senior Outreach Program \$60,704, Police Community Outreach \$ 0, of the 2002-2003 Action Plan for the (CDBG) Community Development Block Grant/Home Programs (340.70)

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

Public hearing to consider approval of the 2002-2003 Action Plan in accordance with the City's Consolidated Plan (CP) as required by the U.S. Department of Housing and Urban Development (HUD) for receipt of \$1,668,000 in Community Development Block Grant (CDBG) funds, and \$756,000 in HOME Investment Partnership (HOME) funds. The 2002-2003 Action Plan proposes the CDBG and HOME budgets from October 1, 2002 to September 30, 2003, a twelve-month period.

The City followed its Citizen Participation Plan. The Citizen Participation Advisory Board (CPAB) held two public hearings on community needs and held subsequent monthly public meetings. Citizens may review and comment on the draft 2002-2003 Action Plan in the Department of Economic Development or at the Central Library. The public comment period began July 16, 2002 and will end August 14, 2002. Public comments received during this time will be attached to the Action Plan and sent to HUD.

CDBG REVENUE:	AMOUNT
CDBG 2002/2003 Entitlement Grant	\$1,668,000

STAFF-PROPOSED CDBG ACTIVITIES:

Administration	\$293,328
Fair Housing Council	40,272
City Gym & Pool Sec. 108 Loan Payment	260,261
Code Enforcement Program	162,658
Community Job Center	59,992
Alabama Storm Drain Construction	456,162
Housing Rehabilitation Loan Program– Administration	145,127
Police Community Outreach	11,000
Community Service Programs	31,000
Oak View Community Center	35,000
Oak View Library Literacy Program	34,000
Project Self-Sufficiency	77,791
Seniors Outreach Program	61,409
TOTAL:	\$1,668,000

CPAB-PROPOSED CDBG ACTIVITIES:

Administration	\$293,328
Fair Housing Council	40,272
City Gym & Pool Sec. 108 Loan Payment	260,261
Code Enforcement Program	162,658
Community Job Center	49,992
Alabama Storm Drain Construction	436,289
Park Improvements	25,000
Housing Rehabilitation Loan Program– Administration	140,000
Rebuilding Together	10,000
Adult Day Services	10,000
Community Service Programs	31,000
Council on Aging	6,000

Huntington Beach Community Clinic	39,791
Oak View Community Center	30,000
Oak View Library Literacy Program	29,000
Project Self-Sufficiency	49,705
Seniors Outreach Program	49,704
Working Wardrobes	5,000
TOTAL:	\$1,668,000

HOME Investment Partnership

In an effort to expand and preserve its existing affordable housing stock, Huntington Beach has worked with Community Housing Development Organizations (CHDOs) to acquire multifamily rental properties. These buildings are rehabilitated and then are made available to persons below 60% of Orange County median income for a minimum of 30 years. The CHDO must enter into an agreement with the City that outlines all of the affordability requirements, property maintenance standards, and long-term monitoring requirements that are required by HOME regulations.

The following activities are proposed for the 2002-2003 HOME program:

HOME REVENUE:	AMOUNT
HOME 2002/2003 Entitlement Grant	\$ 756,000
HOME PROPOSED ACTIVITIES:	
Administration	75,600
Acquisition	680,400
	\$756,000

The Consolidated Plan sets local policies and priorities for the development of a viable urban community by providing decent housing and a suitable living environment and expanding economic opportunities principally for low- and moderate-income persons. The city intends to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations in order to provide for: the production and operation of affordable housing; a suitable living environment improving the safety and livability of neighborhoods; assistance to homeless persons and persons at risk of becoming homeless to obtain appropriate housing, without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; and expand economic opportunities including job creation and retention.

City Administrator Ray Silver referred to the Late Communication from Community Services Director Ron Hagan titled *August 5, 2002 Public Hearing – CDBG Funding Impacts, Staff Recommendations Vs Citizens Participation Advisory Board Recommendations*. City Administrator Silver informed Council that the members of the Citizens Participation Advisory Board have been invited to speak tonight.

Luann Brunson, Senior Administrative Analyst, Economic Development Department, presented a PowerPoint slide report dated August 5, 2002 titled *Approval of 2002/2003 Action Plan for CDBG and Home Programs – Public Hearing Item D-6 – August 5, 2002*. Communication titled *Late Communication – Item D-6*, which had been announced earlier as a Late Communication by the City Clerk.

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

Mayor Cook declared the public hearing open.

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

Communication dated August 5, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *Approval of 2002/2003 Action Plan for CDBG and Home Programs – Public Hearing Item D-6 – August 5, 2002*. Communication titled *Late Communication – Item D-6*.

Communication dated August 5, 2002 from the Economic Development Department submitting two spreadsheets reflecting historical funding data for the Community Development Block Grant (CDBG) Program titled *City of Huntington Beach – Community Development Block Grant Program Late Communication Item D-6*.

Communication dated July 26, 2002 from City Administrator Ray Silver submitting a communication from Ron Hagan Director of Community Services titled *August 5, 2002 Public Hearing – CDBG Funding Impacts, Staff Recommendations Vs Citizens Participation Advisory Board Recommendations*.

Jackie Canigiani informed Council she is the Vice Chair of CPAB. She stated that the board strived to represent diverse views based on the people who provided input to the Board to help with their recommendations. She requested that the Council evaluate the additional recommendations as presented by the CPAB Board.

Greg Arbues, Chair of Project Self-Sufficiency, requested that Council accept the staff proposed funding recommendation for Project Self-Sufficiency as they greatly depend on the support and will suffer if funding levels are not maintained.

Barbara Beck, Council on Aging and Senior Outreach Program volunteer, requested that Council approve the staff recommendation for funding.

Ernie Cushing stated he is a volunteer with the Senior Outreach Program and urged Council not to cut funding which would affect the care management program and to approve Staff recommendation. He stated that the senior population is growing fast and the service Senior Outreach provides is necessary.

Carol Settimo informed Council she is the Treasurer of the Council on Aging and stated that a decrease in funding at the Senior Outreach Center would mean eliminating a much needed Care Manager. She requested Council to consider the staff recommendation.

Dick White, President of the Huntington Beach Council on Aging, asked for support of the staff recommendation for funding the Senior Outreach Program. Mr. White stated the CPAB proposed funding would eliminate a necessary Care Manager position. He informed Council the CPAB Council on Aging recommendation is to fund the Orange County Council on Aging not the Huntington Beach Council on Aging.

Phil Inglee Huntington Beach Community Clinic Chairperson urged council to support the CPAB recommendation for this clinic. He stated the working poor depend on the clinic for day-to-day health care existence.

Council discussed and received clarification from Mr. Inglee regarding 1.) what percentage of the budget is private versus government; 2.) what percentage of the budget is received through fundraising; and 3.) the percentage of Huntington Beach residents serviced by the clinic.

Mr. Inglee responded that the budget is approximately fifty percent government funded and fifty percent privately funded which includes private fundraising of roughly one-half. He stated that the clinic provides the needed health care service to approximately thirty-five percent of non-local residents. Mr Inglee stated they have requested funding from the local cities and believes if Huntington Beach does not support the clinic they will not get the much-needed support from the neighboring cities.

Cordelia Dick-Muehlke urged Council to support the Adult Day Services Program.

Velbeth Jones requested Council to support the staff recommended financial support of Project Self- Sufficiency

Tammie Hudak informed Council she participates in Project Self- Sufficiency and asked Council to support this successful program.

Nona Bachar urged Council to continue funding Project Self- Sufficiency that has given her and her son quality of life through the support of this program.

Dave Sullivan spoke in support of Adult Day Services and Huntington Beach Community Clinic.

C. Jim Moreno Chair of CPAB (Citizens Participation Advisory Board) informed Council on how the Board formed their recommendations to best serve the residents of the city while keeping the budget in mind. CPAB Chair Moreno stated the Board attempted to keep the recommended amount close to last year's funding levels. He compared CPAB's Recommendations versus Staff's Recommendations as to why Council should approve the Citizen Participation Advisory Board Recommended Action Plan for 2002/2003.

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

CPAB Chair Moreno and Councilmember Dettloff discussed programs on the recommended list.

The councilmembers and staff discussed at length their reasons for selecting or not selecting the funding levels for the recommended programs.

A motion was made by Houchen, second Cook to approve staff recommendation as amended Police Community Outreach \$0, Community Service Programs \$0, Adult Day Services \$10,000, Huntington Beach Community Clinic \$32,000.

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

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

A motion was made by Bauer, second Green to approve CPAB recommendations as amended Orange County Council on Aging \$0, Project Self-Sufficiency \$55,705 and direct staff to find the additional \$89,000 needed from unanticipated funds in the budget.

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

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

A motion was made by Winchell, second Dettloff to approve staff recommendation as **amended** to find in budget to reach staff recommended level of funding for Project Self-Sufficiency (PSS).

The motion carried by the following roll call vote:

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

A motion was made by Boardman, second Dettloff to approve the 2002/2003 Staff Recommended Action Plan as **amended** for the CDBG Program in the amount of \$1,668,000 and the HOME Program in the amount of \$756,000; Adult Day Services \$10,000, Huntington Beach Community Clinic \$23,000, Project Self-Sufficiency \$56,496, Senior Outreach Program \$60,704, Police Community Outreach \$ 0.

and

Authorize the City Administrator to execute the required certifications;

and

Authorize submission of the Action Plan to the U.S. Department of Housing and Urban Development.

The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

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

(Redevelopment Agency) Approve as to Form Lease between Abdelmuti Development Co. and Pac Pack Inc., a California Corporation dba Prospects One (Oceanview Promenade) Suites 230, 240 and 250 – Main Pier Redevelopment Project Subarea (600.30)

(City Council) Approve the 2002-03 Traffic Signal Installation Priority List (580.10)

Consent Calendar – Items Approved

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

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

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

(City Council) Approved Two Youth Board Student Reappointments – Bello-Feldmar and Seven Student Appointments – Iwanabe-Wiseman-Marmer-Watari-Gallo-Robin and Park – for Term to Expire June 2003 (110.20) – 1. Approved the reappointment of the following students to one-year terms on the Huntington Beach Youth Board to expire June 2003 as recommended by Council Liaisons Mayor Debbie Cook and Councilmember Pam Houchen:

Tatiana Bello Ocean View High School Representative
Megan Feldmar At-large Representative

and 2. Approved the appointment of the following students to a one-year term on the Huntington Beach Youth Board with terms to expire on June 2003 as recommended by Council Liaisons Cook and Houchen:

Kelly Iwanabe Edison High School Representative
Meera Wiseman Marina High School Representative
Natalie Marmer Huntington Beach High School Representative
Sarah Watari At-large Representative
Samantha Gallo At-large Representative
Ben Robin At-large Representative
Joe Park At-large Representative.

Submitted by the Community Services Director. Funding Source: Not Applicable.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids for Concession Improvements at South Beach Phase I; CC-1106 (Zack's Too, the Beach Hut and the Cabana) (600.80) – 1. Approved the project plans and specifications and authorized the Director of Public Works to request bids for the façade rehabilitation of two concession buildings and the rebuild of the Cabana concession building at South Beach Phase I, CC-1106; and 2. Appropriated \$435,000 from Lease Revenue Bonds, 2001 Series A to South Beach Improvements, Phase II. Submitted by the Community Services Director and the Public Works Director. Funding Source: Funds in the amount of \$435,000 will be appropriated from Lease Revenue Bonds, 2001 Series A, to the South Beach Improvements, Phase II Account.

(City Council) Adopted Resolution No. 2002-76 Confirming Reports of Cost for 2002 Weed Abatement on Private Property within the City (520.80) – Adopted **Resolution No. 2002-76** – “A Resolution of the City Council of the City of Huntington Beach Confirming Reports of Cost for Weed Abatement on Private Property within the City – 2002 Season,” and direct all charges listed thereon be certified to the Orange County 2002-2003 Tax Roll. Submitted by the Public Works Director. Funding Source: A special assessment totaling \$15,715.72 will be charged to the Orange County property tax roll and reimbursed to the City by the County of Orange as part of the ordinary collection process.

(City Council) Adopted Resolution No. 2002-80 Regarding Classification Plan Amendment Re: Agreement with Public Sector Personnel Consultants for Study of Municipal Employees Association (MEA) Positions and to Add New, Delete Old and Modify Management Employees Organization (MEO) Positions (700.10) – Adopted Resolution No. 2002-80 – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Adding, Deleting and Modifying Classifications in the City Classification Plan.” Submitted by the Administrative Services Director. Funding Source: Funding for the amendment is included in the FY 01-02 budget.

(City Council) Approved City Council Positions on Legislation Pending Before the State Legislature and Congress as Recommended by the City Council Intergovernmental Relations Committee – Assembly Bills – AB 2208 (Wyland) and AB 2252 (Daucher) Re: Funding – State Department and Area Agencies on Aging (640.90) – The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take action on the following items and authorize the Mayor to send letters reflecting the City’s position to the legislators: **Motion: Support – AB 2208 (Wyland)** which would require the California Dept. of Aging (CDA) in consultation with the State Controller to develop and implement procedures for electronic transfer of funds from the CDA to the Areas Agencies on Aging (AAA) to provide for a broad range of home and community based services for homebound seniors. **Support – AB 2552 (Daucher)** which would assure continuous appropriation of monies from the Federal Trust Fund through the California Department of Aging (CDA) to the Area Agencies on Aging (AAA) in the absence of an annual State budget. Submitted by the Councilmember Shirley Dettloff, Chairperson, Intergovernmental Relations Committee on behalf of Mayor Debbie Cook and Councilmember Ralph Bauer. Funding Source: None required.

(Redevelopment Agency) Receive and File Form Lease between Abdelmuti Development Co. and Pac Pack Inc., a California Corporation dba Prospects One (Oceanview Promenade) Suites 230, 240 and 250 – Main Pier Redevelopment Project Subarea (600.30)

Councilmember Houchen requested that this agenda item be removed from the Consent Calendar to clarify if this item needs approval from the Redevelopment Agency.

David Biggs Director of Economic Development informed Council this item does not need approval and should have been a receive and file item.

A motion was made by Houchen, second Boardman to receive and file the Lease between Abdelmuti Development Co. and Pac Pack Inc., a California Corporation dba Prospects One (Oceanview Promenade) Suites 230, 240 and 250 – Main Pier Redevelopment Project Subarea. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None (Green out of room)

(City Council) Approved as Amended the 2002-03 Traffic Signal Installation Priority List (580.10)

Mayor Cook requested that this agenda item be removed from the Consent Calendar to ask staff why the Beach Boulevard and Taylor Street intersection was third on the installation list stating that this intersection has the highest rates of accidents.

Bob Stacheslski, Transportation Manager Department of Public Works, informed Council it is because the city needs Caltrans approval before proceeding at that intersection. He stated the priority list shows 115 locations were identified as potential new signal locations, that intersections currently under design or construction as capital projects were not included in the list which is included in the staff report.

A motion was made by Boardman, second Houchen to approve **as amended** the 2002/03 Traffic Signal Installation Priority List with provision that Beach/Taylor be the No. 1 priority when approved by Caltrans. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None (Green out of room)

(City Council) Approved Renewal with Revisions of Lease Agreement Between the City and Waterfront Hotel, LLC for the Waterfront Beach Cabana Concession (Hyatt Regency Huntington Beach Resort and Spa) (600.35)

The City Council considered a communication from the Administrative Services Director and the Community Services Director requesting renewal of the lease agreement with Waterfront Hotel, LLC for the Beach Cabana Concession using the *Standard Concessionaire Lease Agreement*.

Staff is requesting Council approval for the Director of Administrative Services to amend the lease agreement to revise the term date when the city completes construction of the Beach Cabana and turns it over to WATERFRONT to do tenant improvements, and to insert a legal description of the leased premises when they are completed.

A PowerPoint presentation titled Lease Agreement with Waterfront Hotel, LLC for the "Waterfront Beach Cabana Concession" is included in the agenda packet.

A motion was made by Dettloff, second Bauer to Approve the *Lease between the City of Huntington Beach and Waterfront Hotel, LLC for the Waterfront Beach Cabana* using the standardized lease agreement with terms and conditions as presented herein;

and

Authorize the Mayor and City Clerk to execute the lease;

and

Give the Director of Administrative Services the authority to amend the lease to revise the term dates and insert a legal description of the leased premises. The motion carried by the following roll call vote:

AYES: Dettloff, Boardman, Cook, Houchen, Bauer
 NOES: None
 ABSENT: None (Winchell, Green out of room)

(City Council) Adopted Resolution No. 2002-74 Amending the City's Full Cost Recovery Fee Resolution Pertaining to Community Services Department Fees (Clubhouse – Recreational – Cultural and Special Events Activities) (340.20)

A motion was made by Houchen, second Boardman to continue to August 12, 2002 at 4:00 p.m. consideration of the adoption of **Resolution No. 2002-74** – “*A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 Entitled, ‘A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule’ as to Services Offered by the City’s Community Services Department (Supplemental Fee Resolution No. 87).*”

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Bauer
 NOES: None
 ABSENT: None (Winchell out of room)

(City Council) Accepted the Certificate as to Verification of Signatures on Petition Filed by Scott Baugh, Proponent to Amend Sections 300 and 704 of, and Add Sections 314, 315, 316, 317, 318 and 319 to the City Charter Relative to Decreasing the Number of Elected Councilmembers from 7 to 5, Electing Councilmembers by District Instead of as Currently by At-Large and Imposing a Lifetime Two Term Limit on Councilmembers Instead of the Current Two Consecutive Term Limit (620.20)

The City Council considered a communication from the City Clerk informing Council that the above referenced petition to amend the City Charter (Mr. Scott Baugh, proponent) has been examined by the Orange County Registrar of Voters and found to have sufficient number of valid signature of registered voters to qualify for placement on the ballot at an election date to be determined by the City Council. Pursuant to Elections Code S. 9114 the City Clerk is certifying to the City Council the results of the County Registrar of Voters examination of said petition dated July 16, 2002 following related Agenda Items.

A motion was made by Green, second Houchen to Accept *Certificate as to Verification of Signatures on Petition* dated July 16, 2002 as provided by the County Registrar of Voters to the City Clerk.

The motion carried by the following roll call vote:

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

(City Council) Failed to Adopt Resolution No. 2002-77 – Submission to the Voters of a Proposed Amendment to the Huntington Beach City Charter to Establish Five Council Districts – Reduce Number of City Councilmembers from Seven to Five Members and Establish Lifetime Term Limits in Place of Current Consecutive Term Limits (620.20)

The City Council considered a communication from the City Clerk and the City Attorney transmitting Resolution Nos. 2002-77 and 2002-78 for consideration by Council to add a measure on the November 5, 2002 General Municipal Election ballot. The measure is the proposed amendment to the Huntington Beach City Charter, which has been initiated by petition (Scott Baugh, proponent). (See related Agenda Items.)

Also transmitted is a City Attorney's opinion dated July 31, 2002 titled *RLS 2002-0421. Available Election Dates for a Charter Amendment Proposal to Elect Councilmembers by District Rather than At-Large – Elections; Procedures; General and Special Elections.*

Communication from the Law Offices of Nossaman, Guthner, Knox & Elliott, L.L.P. dated July 31, 2002 titled *Analysis of Legal Defects in Proposed Amendment to Huntington Beach City Charter (Agenda Item F-3, Council Meeting of August 5, 2002)* is included in the agenda packet.

Council inquired and received information from City Attorney Gail Hutton as to the city's liability to defend if challenged and the Legal Opinion submitted in the agenda packet.

(City Council) Adopted Resolution No. 2002-78 – To Schedule Special Municipal Election on March 2, 2004 to be Consolidated with Statewide Primary Election and To Request Board of Supervisors to Consolidate (620.20)

A motion was made by Boardman, second Green to adopt **Resolution No. 2002-78** - "A Resolution of the City Council of the City of Huntington Beach, California Ordering the Submission to the Qualified Electors of the City of a Proposed Amendment to the City Charter Relating to Election of Five Councilmembers Each by District Instead of the Current Seven Members Elected At-Large, to Impose a Lifetime Two Term Limit on Elected Councilmembers Instead of the Existing Two Consecutive Term Limit and to Reduce the Total Number of Councilmembers from Seven to Five, at a Special Municipal Election to be Held on **March 2, 2004.**"

If Resolution No. 2002-78 is adopted, Resolution No. 2002-79 Setting Priorities for Written Arguments and Directing Preparation of an Impartial Analysis can be adopted, **as amended** to reflect the election date selected by the City Council.

The motion carried by the following roll call vote:

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

**(City Council) Adopted Resolution No. 2002-79 – as Amended to Direct Preparation of Impartial Analysis Re: City Measure – Proposed Charter Amendment Initiated by Mr. Scott Baugh, Proponent (To Amend S. 300 and 700 and Add S. 314, 315, 316, 317, 318, and 319 of the City Charter) Special Municipal Election Scheduled For March 2, 2004
 (.)**

The City Council considered a communication from the City Clerk transmitting the following for consideration by Council:

Written Arguments – The State Elections Code provides Council the opportunity to file an argument **against** the proposed the proposed Charter Amendment initiated by Mr. Scott Baugh, the Council **may** vote to **authorize** and **name** up to 5 Councilmembers to file an argument **against** the proposed measure. Should Council choose not to have priority, written arguments shall be selected by the City Clerk pursuant to the State Elections Code.

Impartial Analysis – The State Elections Code provides that inclusion of an Impartial Analysis in the *Voter Information Pamphlet* is optional. Historically the City Council has directed the City Attorney to prepare an impartial analysis.

A motion was made by Boardman, second Houchen to Adopt **Resolution No. 2002-79, as amended**, to only provide for the City Attorney to prepare an impartial analysis;

The motion carried by the following roll call vote:

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

(City Council) Approved Process of Appointment of a City Attorney for Period of October 1 to December 2, 2002 (Also Rescinds Existing Contract Approved at July 15, 2002 Meeting) (700.90)

The City Council considered a communication from the City Administrator informing Council of matters relating to the elected City Attorney's submittal of her written resignation effective September 30, 2002. At the July 15, 2002 City Council meeting, the City Council approved the Agreement between the City of Huntington Beach and Gail C. Hutton individual, for Early Retirement and Provision of Transitional Consultant Legal Services. The candidate who is elected at the November 5, 2002 General Municipal Election, will be sworn into office on December 2, 2002.

City Administrator Ray Silver reviewed the three options for the selection process.

Mayor Cook received legal opinion from Paul D'Alessandro Deputy City Attorney regarding her concern Option 2 would be a 1090 problem.

A motion was made by Green, second Houchen to approve Alternative No. 3 directing staff to rescind the transitional consultant legal service agreement approved at the July 15, 2002 meeting and after City Attorney Gail Hutton retires on September 28, 2002 appoint her to serve the remainder of the term at a special meeting the week of September 30, 2002.

City Clerk Connie Brockway informed Council that she believes that Council cannot appoint City Attorney Gail Hutton until she retires, as she is currently the elected City Attorney.

City Administrator Ray Silver corrected the motion to direct staff to come back with an RCA in September to appoint Gail Hutton City Attorney and also to rescind the existing contract between the City and Gail Hutton, Individual that was approved by Council at the last meeting.

The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3566 to Eliminate the Time Limit on the Establishment of Loans, Advances and Indebtedness for the Huntington Beach Redevelopment Project (410.05)

After the City Clerk read by title, a motion was made by Green, second Houchen to adopt **Ordinance No. 3566** – “*An Ordinance of the City of Huntington Beach Eliminating the Time Limit on the Establishment of Loans, Advances and Indebtedness for the Huntington Beach Redevelopment Project.*” Submitted by the Economic Development Director. (Five Project Areas Merged on 12/16/1996 – Introduction approved on July 15, 2002).

The motion carried by the following roll call vote:

AYES: Green, Houchen, Winchell, Bauer
NOES: Boardman, Cook
ABSENT: None (Dettloff out of room)

(City Council) Adopted Ordinance No. 3567 Amending Chapter 1.16 of the Municipal Code Relating to Penalty Enforcement Relative to Recovery of Costs of Criminal Law Enforcement (640.10)

After the City Clerk read by title, a motion was made by Green, second Houchen to adopt **Ordinance No. 3567** “*An Ordinance of the City of Huntington Beach Amending Chapter 1.16 of the Huntington Beach Municipal Code Relating to Penalty Enforcement.*” Submitted by the City Attorney. (Relative to Recovery of Costs of Criminal Law Enforcement – Introduction approved on July 15, 2002).

The motion carried by the following roll call vote:

AYES: Green, Boardman, Cook Houchen, Winchell, Bauer
NOES: None
ABSENT: None (Dettloff out of room)

(City Council) Approved Appointment of Mayor Debbie Cook as Voting Delegate and Appointment of Alternative Delegate Councilmember Ralph Bauer for City of Huntington Beach at Annual Conference of the League of California Cities (150.40)

The City Council considered a communication from Mayor Debbie Cook transmitting the following **Statement of Issue**: The Annual Conference for the League of California Cities will be held from Wednesday, October 2 through Saturday, October 5, 2002 in Long Beach at the Convention Center this year.

An important aspect of the annual conference is the annual business meeting when the membership takes action on conference resolutions. Each city is entitled to one vote in matters affecting municipal or League policy.

The League has requested that we notify them no later than Friday, September 6, 2002 of the names of our delegate and alternate. Traditionally the City Council has appointed the Mayor as its delegate. Since I am planning on attending the conference this year, I respectfully request that I be appointed as the City’s official delegate. I would also request a volunteer from among the Councilmembers to serve as the alternate delegate. To that end, I would request the City Council approve the following motions:

A motion was made by Houchen, second Boardman to:

1. Appoint **Mayor Debbie Cook** to serve as the delegate for the City of Huntington Beach at this year's Annual Conference of the League of California Cities;

and

2. Appoint Councilmember **Bauer** to serve as the alternate delegate for the City of Huntington Beach at this year's Annual Conference of the League of California Cities, October 2-5, 2002.

The motion carried by the following roll call vote:

AYES: Green, Boardman, Cook Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None (Dettloff out of room)

(City Council) Request City Council Position on Resolution by the City of Santa Margarita Regarding Dealing with Urban Run-Off (120.70)

The City Council considered a communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: At the League of Cities meeting on August 8, a vote on the resolution by the city of Santa Margarita will take place. It would seem we have three options:

(1) Support the resolution; **or** (2) Oppose the resolution; **or** (3) Support the resolution with modifications.

Following discussion, a motion was made by Bauer, second Cook to approve Option No. 2. The motion carried by the following roll call vote:

AYES: Green, Boardman, Cook Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None (Dettloff out of room)

(City Council) Request Council Position Re: Joining with the Orange County Sanitation District in Obtaining Infrastructure Funding through the California Rebuild America Coalition (CalRAC) (120.70)

The City Council considered a communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: Enclosed is a letter from the Orange County Sanitation District to join the California Rebuild America Coalition (CalRAC). CalRAC is a non-profit organization dedicated to obtaining funding for rebuilding infrastructure.

The City Council directed staff to review the cost and benefits of joining the California Rebuild America Coalition (CalRAC) and bring back at a future date. No action necessary.

(City Council) Formation of Charter Revision Committee (.)

Councilmember Winchell spoke in regard to the feasibility of forming a Charter Revision Committee to be placed on a future agenda.

Adjournment – City Council/Redevelopment Agency

Mayor Cook adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Tuesday, August 6, 2002, at 1:30 p.m. at 7777 Edinger Avenue, Huntington Center, northeast quadrant (behind the former Broadway building), Huntington Beach, California to review the LED (reader board sign) with the Huntington Beach Auto Dealers; **and**

Adjournment to Monday, August 12, 2002, at 3:00 p.m. for Closed Session and at 4:00 p.m. for Open Session in the Council Chambers, Lower Level, 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