

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

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

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

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

ACTION AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

TUESDAY, JULY 6, 2004

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

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

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, (Councilmember Houchen has requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Present (Hardy arrived 5:10 p.m., Houchen absent)

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Public Comments Regarding 5:00 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

Speaker would like a more descriptive sentence or two regarding the subject of the closed session items versus just the title.

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

<http://www.surfcity-hb.org>

(City Council/Redevelopment Agency) Study Session - Joint Meeting of the Finance Board and City Council (110.10)

Roll Call – Finance Board – Charles Falzon, Chair; Tim Geddes, Vice Chair; Nancy Donaven; Joe Domingo; Donald Hansen, Jr.; John DeWitt; and Gerald L. Chapman.

Present (Chapman arrived 5:15, Donaven, DeWitt, absent)

Presentation will include staff from Public Works, Treasurer's, Fire and Administrative Services.

**PowerPoint presentation submitted by the Finance Board titled *HB City Council/Finance Board Study Session July 6, 2004 Prepared by: Charles Falzon Chairman, Finance Board* is included in the agenda packet.

Chair Charles Falzone presented a PowerPoint report that reviewed the Board's history and listed five potential opportunities for increased revenue. The Board requested Council's direction on the recommendations.

Hardy summarized the Board's priorities as follows: (1) Budget recommendations, (2) Work with the City Administrator on developing long-term fiscal sustainability of the City, (3) Look at what other City Finance Boards are doing, (4) Meet in February, 2005 to review goals and (5) Direct City Administrator to use Finance Board as available.

Call Closed Session of City Council/Redevelopment Agency

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

Approved 6-0-1 (Houchen absent)

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven 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.** Subject: **Labor Relations – Meet & Confer.** (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Stephen and Dianna Rini v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC05748. Subject: **Rini v. City of Huntington Beach, et al.**

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

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

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

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, (Councilmember Houchen has requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Present (Houchen, absent)

Pledge of Allegiance/Flag Salute – To be led by the Mayor

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – *Given by Reverend Peggy Price*

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)

Mayor announced the 4th of July Parade will be rebroadcast on Channel 6 on Thursday, July 8, 2004. Meeting dedicated in memory of Bob Davis who passed away.

Presentation - Mayor Cathy Green to call on Sister City Association President Carmen Erber to present this year's visiting youth ambassadors. They will include four students and their chaperone from Waitakere, New Zealand and four students and their chaperone from Anjo, Japan. The students from Anjo will also perform a musical number. (160.40)

Performances were given by Anjo and Waitakere students.

Presentation - Mayor Cathy Green to call on Ron McLin and Brett Barnes from the Taste of Huntington Beach committee to present a check for \$52,000, from the annual fundraiser, to the Friends of the Children's Library. (160.40)

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings.

Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

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

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

PUBLIC COMMENTS:

Speaker representing the Bolsa Chica Land Trust stated that State of California Wildlife Reservation Board agreed to purchase 103 acres of Lower Bolsa Chica using Prop 50 funds in the amount of \$65 million. Speaker expressed the belief that all Bolsa Chica and not just the lower bench should be considered for preservation. He suggested the Council support.

Speaker spoke regarding the use of the beach for a political forum without a permit on June 27 by the Veterans For Peace. He stated his opposition to what he considers an agitation.

Speaker thanked the 4th of July Board and Police Chief Kenneth Small for keeping the peace and expressed his support for future beach fireworks. Speaker urged Council to speed up the County's Bushard construction project in the South East Neighborhood.

Speaker informed Council he filed a suit against the City relative to the infill ordinance, which he stated allows invasion of his privacy – what he considers to be a visual intrusion into his bedroom. He stated that he lost the suit but believes the ordinance is misleading.

Speaker spoke regarding attendance at a Zoning Administrative Hearing. He commended Council's quick response to his neighbors and the open appeals process. Speaker lodged a complaint regarding notification requirements, which he believes are not sufficient.

Speaker thanked the Councilmembers that approved fireworks on the beach. He commended Chief Kenneth Small and his Police staff as being the best, and hopes the future will contain more fireworks on the beach.

Speaker and resident of Cabrillo Mobile Home Park spoke about buying and selling mobile home parks and stated he wanted to caution residents on that issue. Speaker announced he is the officer of his organization and chapter member of the Golden State Mobile Homeowners League, and can be reached at 1-800-888-2717.

Councilmember Boardman commented that the prior speaker's topic will be discussed at the Study Session portion of the July 19, 2004 Council Meeting.

Speaker spoke regarding living at Cabrillo Mobile Home Park since 1960 and expressed the opinion that the purchase by Mills Land and Water is unfair.

Speaker representing the Libertarian Party commended the 4th of July Board and also the work of Police Chief Small. He urged Council to oppose the smoking ban ordinance.

Speaker described the litter situation in the Wetlands and requested Council organize a Wetlands Clean-up Day.

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Announcement by Councilmember Connie Boardman of the Appointment of Paul Horgan to the Public Works Commission (110.20)**

Communication from Councilmember Connie Boardman transmitting the following

Statement of Issue: I am happy to inform you that Paul Horgan has agreed to serve as my Public Works Commissioner. Paul is a long-time resident of the city and has been interested in a variety of city issues over the years. He is a former President of the Bolsa Chica Land Trust and currently is a Member of the Board of the Trust. Paul is in private practice as an attorney with an office in Los Angeles.

C-1b. (City Council) Approve Appointments of Ann Quan, Amelia Huss, Nicolette Ulrich, Claire Muller, and Sarah Graham and Approve Reappointments of Whitney Gaglio, Andrew Kreitz, Lauren Thomas and Jennifer Baca to the Youth Board with terms to expire June 2005 (110.20)

Communication from Mayor Cathy Green and Mayor Pro Tem Jill Hardy transmitting the following **Statement of Issue:** As City Council liaisons to the Youth Board, we received twenty-four new applications and four requests for reappointment to the Huntington Beach Youth Board. All of the new applicants were offered interviews.

Recommended Action:

After careful consideration, we would like to recommend that the City Council:

Approve the appointments of Ann Quan, Amelia Huss, Nicolette Ulrich, Claire Muller, and Sarah Graham to the Youth Board with their term to expire in June 2005.

To reappoint Whitney Gaglio, Andrew Kreitz, Lauren Thomas, and Jennifer Baca to the Youth Board with their term to expire in June 2005.

Mayor Pro Tem Jill Hardy reported. Hardy requested three of the members who were present to stand up and be recognized.

Approved 6-0-1 (Houchen absent)

C-2. City Administrator's Report - None

D. PUBLIC HEARINGS

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

D-1. (City Council) Public Hearing to Adopt Resolution No. 2004-49 Revising the City's FireMed Fee Schedule for Emergency Medical Services (Amends Resolution No. 2003-58) (340.20)

Communication from the Fire Chief.

Public hearing for the purpose of considering revisions to the City's FireMed user fee schedule. All proposed revisions are cost recovery in nature.

It is proposed that a new rate schedule be adopted which will require higher fees to be paid by persons, or their respective insurance companies, that use the City's Emergency Medical Services system.

The types of fees under consideration for revision include emergency ambulance transportation, specific medications, and related paramedics supply charges. The Huntington Beach Fire Department is proposing a revised user fee schedule that recovers the increased cost of these items or services.

A complete report detailing proposed revisions to the FireMed Emergency Medical Services fee schedule is available for review by the public at City Hall, 2000 Main Street, in the City Clerk's office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Interested persons may also contact the Fire Department at 2000 Main Street, Huntington Beach, California 92648 to receive additional information.

All citizens are invited to attend the public hearing and provide the City Council with written and oral comments or ask questions concerning proposed revisions to the City's FireMed Emergency Medical Services fee schedule.

The City of Huntington Beach endeavors to accommodate persons of handicapped status in the admission or access to, or treatment or employment in, City programs, or activities. The City of Huntington Beach is an equal opportunity employer.

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

****PowerPoint presentation titled *Emergency Medical Services Revision to Fee Schedules Huntington Beach Fire Department July 6, 2004* is included in the agenda packet.**

Recommended Action: Motion to:

Adopt Resolution No. 2004-49 – “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;” including membership fees.

Fire Chief Duane Olson reported on the PowerPoint presentation.

City Clerk Joan L. Flynn restated the Late Communication pertaining to this item. Adopted 6-0-1 (Houchen absent)

D-2. (City Council) Public Hearing to Approve Zoning Text Amendment No. 04-01 - Approve Introduction of Ordinance No. 3657 Amending Huntington Beach Zoning and Subdivision Chapter 235 (Condominium Conversions) (450.20)

Communication from the Planning Director, the Building and Safety Director, and City Attorney.

Public hearing to consider the following:

Zoning Text Amendment No. 04-01 (Condominium Conversion Ordinance)

Applicant: City of Huntington Beach

Request: To amend Chapter 235, Condominium Conversions, of the Huntington Beach Zoning and Subdivision Ordinance. The proposed amendments are intended to update the original ordinance adopted in 1984 and to establish procedures for permitting units previously converted to condominiums without City approval.

Location: Citywide

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

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday, July 1, 2004.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

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

**PowerPoint presentation titled *Condominium Conversions City Council Meeting July 6, 2004 Zoning Text Amendment No. 04-01* is included in the agenda packet.

**Communication submitted by Aaron Frankel dated June 30, 2004 titled *Letter to City Council Concerning Condo Conversion* is included in the agenda packet.

Recommended Action: Motion to:

After the City Clerk reads by title, Approve for Introduction **Ordinance No. 3657** – “An Ordinance of the City of Huntington Beach Amending Chapter 235 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Residential Condominium Conversions;” and Approve Zoning Text Amendment No., 04-01 with findings for Approval (Attachment No. 1).

Planning Director Howard Zelefsky reported orally, expressing the concern over crafting a global solution. Mr. Zelefsky presented the PowerPoint report.

City Clerk Joan L. Flynn announced that in addition to the Late Communication she announced earlier, a PowerPoint report was submitted titled Huntington Beach Hearing on Zoning Text Amendment No. 04-01 from affected homeowners.

Speaker requested affected owners present in the audience to stand. This first speaker read verbatim from the PowerPoint presentation. The next four speakers continued verbatim. Consultant Mike Adams speaking for Stewart Title informed Council of 30 applications the title company is processing. Mr. Adams urged Council to amend the mapping process. City Clerk Joan L. Flynn announced another Late Communication from the last speaker regarding his comments, titled Proposed Revisions to the City's Residential Condominium Conversion ordinance.

Council inquiry was made on a definition of "stock co-op" to which Mr. Zelefsky responded.

Discussion was held on in-lieu fees as mentioned by speakers and the subdivision map mentioned by Mr. Adams.

Mr. Zelefsky stated that Planning will return with an amendment re: the latter.

Representative of Stewart Title addressed Council.

Motion to direct Planning to come back to Council with a subdivision map alternative for consideration and otherwise to move the recommended action amended to direct future applicants, who convert an apartment of less than 10 units to condominiums, to the Planning Commission and to use affordable housing "in lieu" fees only for rental units.

Approved and adopted 6-0-1 (Houchen absent)

Motion for staff to return to Council with a mechanism to allow for payment of fees without out-of-pocket cost to property owners.

Approved 6-0-1 (Houchen absent)

E. CONSENT CALENDAR

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

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

- E-1. (City Council/Redevelopment Agency) Minutes** (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of May 17, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and Adopted 6-0-1 (Houchen absent)
- E-2. (City Council) Approve Budget Appropriation Revision for Building and Safety Department's 2003-2004 Budget to Maintain Established Levels by Expanding Contract Plan Review Services for Medium Size Projects** (320.45) – Approve the budget appropriation of \$25,000 from Unappropriated General Fund account to the Department of Building and Safety Professional Services operating expense account. Submitted by the Building and Safety Director. Funding Source: Appropriate \$25,000 from the Unappropriated General Fund Balance to professional services operating expense account in the Department of Building and Safety.
Approved 6-0-1 (Houchen absent)
- E-3. (City Council) Approve Final Tract Map No. 16497 of Tentative Tract Map No. 16497 (Seacliff Palms 1 Lot Subdivision) s/w Corner of Main Street and Holly Street at 19119 Main Street (Holly-Seacliff Specific Plan) – Approve Subdivision Agreement with Main Street Townhomes, a California Corporation** (420.60) **1.** Approve Final Tract Map No. 16497 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approve the *Subdivision Agreement By and Between the City of Huntington Beach and Main Street Townhomes HB, Inc. for Tract No. 16497* (A California Corporation) and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16497 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16497 Conditions of Approval, as approved by the Planning Commission. **Requirements; (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 41006644 (Attachment No. 7); (b) Labor and Material Bond No. 41006644 (Attachment No. 7); (c) Monument Bond No. 41006643 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.
Approved 5-0-1-1 (Hardy abstained, Houchen absent)

- E-4. (City Council) Approve the Release of Securities for Tract No. 15603 Located w/s of Stewart Street at Clay Avenue (Holly-Seacliff Specific Plan) – Approve the Notice of Acceptance of Public Improvements (Developer, Shea Vickers Development, LLC, a Delaware Limited Liability Company) (420.60) – 1. Accept the improvements constructed and dedicated for public use with Tract No. 15603; and 2. Accept Guarantee and Warranty Bond No. SV9966-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release the Faithful Performance/Labor and Material Bond No. SV9966 and Monument Bond No. SV9965 pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, Shea Vickers Development, LLC, of this action and the City Treasurer to notify the Surety, **St. Paul Fire and Marine Insurance Company**, of this action; and 5. Instruct the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
*Approved 5-0-1-1 (Hardy abstained, Houchen absent)***
- E-5. (City Council) Approve the Release of Securities for Tract No. 16288 Located w/s of Holly Street n/o Main Street at 19081 Holly Street (Holly-Seacliff Specific Plan) – Approve the Notice of Acceptance of Public Improvements (Developer, PLC Land Company, a California General Partnership) (420.60) – 1. Accept the improvements constructed and dedicated for public use with Tract No. 16288; and 2. Accept Guarantee and Warranty Bond No. B34224585-M; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release the Faithful Performance/Labor and Material Bond No. B34224585; and Monument Bond No. B34224586 pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, PLC Land Company, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and 5. Instruct the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
*Approved 5-0-1-1 (Hardy abstained, Houchen absent)***
- E-6. (City Council) Approve the Release of Securities for Tract No. 16287 Located n/s of Clay Avenue Approximately 310 feet e/o Holly Street at 7445, 7451, 7457 and 7465 Clay Avenue (Holly-Seacliff Specific Plan) – Approve the Notice of Acceptance of Public Improvements (Developer, PLC Land Company, a California General Partnership) (420.60) – 1. Accept the improvements constructed and dedicated for public use with Tract No. 16287; and 2. Accept Guarantee and Warranty Bond No. B34224566-M; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release the Faithful Performance/Labor and Material Bond No. B34224566; and Monument Bond No. B34224565 pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, PLC Land Company, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and 5. Instruct the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
*Approved 5-0-1-1 (Hardy abstained, Houchen absent)***

- E-7. **(City Council) Approve the Release of Securities for Tract No. 16289 Located n/e Corner of Clay Avenue and Main Street at 7303-7371 Clay Avenue (Holly-Seacliff Specific Plan) Approve the Notice of Acceptance of Public Improvements (Developer, PLC Land Company, a California General Partnership)** (420.60) – 1. Accept the improvements constructed and dedicated for public use with Tract No. 16289; and 2. Accept Guarantee and Warranty Bond No. B34224555-M; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release the Faithful Performance/Labor and Material Bond No. B34224555; and Monument Bond No. B34224557 pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, PLC Land Company, of this action and the City Treasurer to notify the Surety, **Gulf Insurance Company**, of this action; and 5. Instruct the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
Approved 5-0-1-1 (Hardy abstained, Houchen absent)
- E-8. **(City Council) Adopt Resolution No. 2004-50 Approving a Side Letter to the Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees’ Association (MEA) Regarding an Agency Shop Agreement** (720.20) – Adopt **Resolution No. 2004-50** - “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Municipal Employees’ Association, by Adopting the Side Letter of Agreement.” Submitted by the City Administrator. Funding Source: There is no cost associated with the side letter.
Adopted 6-0-1 (Houchen absent)
- E-9. **(City Council) Adopt Resolution No. 2004-51 Designating the Huntington Beach Independent as the Primary Newspaper for Publication for the City’s Legal Notices** (120.10) – Adopt **Resolution No. 2004-51** – “A Resolution of the City Council of the City of Huntington Beach Designating Certain Newspapers for the Publishing of Legal Notices of the City” designating the Huntington Beach Independent as the primary newspaper for legal notices pursuant to City Charter Sections 500 and 503; and approving continuance of the current practice of placing legal notices in the Orange County Register (daily publication) if there is insufficient time to place the notice in the Huntington Beach Independent provided the initiating department indicates there is an urgent need to do so and with authorization from the Office of the City Administrator. Submitted by the City Clerk. Funding Source: Each department budgets annually for the cost of legal notices that are the responsibility of their department.
City Clerk Joan L. Flynn reported on the proposal to select the H.B. Independent Adopted 5-1-1 (Coerper – No, Houchen absent)

- E-10. **(City Council) Approve Management Agreements with Kathy May and Jeff Whitefield (HB Outdoor Barbecue and Snack, LLC) for Huntington Central Park Sports Complex Concession "A" and Sandi Van Amersfoorth (Stadium Club, LLC) for Concession "B" (.)** – Approve two Management Agreements *Management Agreement Between the City of Huntington Beach and HB Outdoor Barbecue and Snack, LLC for Operation of a Food Concession at the Huntington Beach Sports Complex* with Kathy May and Jeff Whitefield for sports concession "A" **and** *Management Agreement Between the City of Huntington Beach and Stadium Club, LLC for Operation of a Food Concession at the Huntington Beach Sports Complex* with Sandi Van Amersfoorth for concession "B" **and** Authorize the Mayor and City Clerk to execute both agreements. Submitted by Community Services Director and Administrative Services Director. Funding Source: Annual Revenue to the General Fund, not applicable. ***Councilmember Cook inquired of the possibility to offer possessory interest to concessionaires. City Attorney McGrath and Community Services Director Jim Engle reported. Motion to approve agreements, but delegate authority to City Attorney to decide whether it is in the City's best interest to grant possessory interests.***
Approved 6-0-1 (Houchen absent)
- E-11. **(City Council) Adopt Resolution No. 2004-52 Authorizing State Funding for Transportation Construction Improvements Master Agreement No. 000181, Program Supplement No. 936 (Located Palm and Adams Avenues from 14th Street to 17th Street and 14th and 17th Streets from Palm Avenue to Adams Avenue in the areas Surrounding Smith and Dwyer Schools) – Safe Routes to School Grant Program (.)** - Adopt **Resolution No. 2004-52** - "A Resolution of the City Council of the City of Huntington Beach Authorizing the Director of Public Works to Execute Master Agreement No. 000181 and Program Supplement No. 936 to Agreement No. 000181 for Palm and Adams Avenues from 14th Street to 17th Street and 14th and 17th Streets from Palm Avenue to Adams Avenue, effective June 30, 2004." Submitted by Public Works Director. Funding Source: Matching funds for the grants are budgeted in the Traffic Impact Fee Fund.
Adopted 6-0-1 (Houchen absent)

F. Administrative Items - NoneG. OrdinancesG-1. Ordinance for Adoption

- G-1a. (City Council) Adopt Ordinance No. 3656 Amending Chapter 13.08 of the Huntington Beach Municipal Code Re: Smoking on the Beach (640.10) – Ordinance 3656 - “An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Pertaining to Beach Regulations and Smoking on the Beach.” (Approved for Introduction June 21, 2004.)

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3656** by roll call vote.

Adopted 5-1-1 (Cook- No, Houchen absent)

G-2. Ordinances for Introduction - NoneH. City Council/Redevelopment Agency Items**Council Comments - (Not Agendized)**

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

Mayor Cathy Green announced the Police Department's Awards for 2003.

Councilmember Coerper thanked Police Chief Small and his staff for a successful 4th of July celebration.

Councilmember Cook announced that one of our HBPD Officers is being deployed to Iraq and wished her well.

Mayor Green concurred with Councilmember Coerper's sentiments re: successful 4th of July celebration.

Council/Agency Adjournment to Monday July 19, 2004, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648
Internet: <http://www.surfcity-hb.org>