

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

MONDAY JULY 19, 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, Houchen
Present (Houchen arrived 5:10 p.m.)

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 concerned the Mobile Home Park he lives in will be purchased by land developers. In his opinion, the conversion ordinance is beneficial if fair market value is included.

Speaker, member of HBMOA, voiced his concerns regarding the current residents of Mobile Home Parks. He urged Council for fair and reasonable compensation for relocation.

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

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

Speaker asked Council for assistance with a conversion ordinance with consideration to the residents.

Speaker informed Council that the City of Carson's conversion ordinance includes "in place" value. He urged Council to study and accept his amended version of the ordinance.

Speaker reviewed the role of the Mobile Home Advisory Board and stated her concerns.

Speakers spoke in support of Steve Gullage's proposed conversion ordinance.

Speaker distributed copy of City of Anaheim's conversion ordinance which includes "in place" value. She cited existing state law and the Huntington Beach City Charter.

Speakers informed Council of the financial burden to their families if forced to leave their Mobile Home Park.

(City Council/Redevelopment Agency) Study Session Presented by Councilmember Connie Boardman Re: Mobile Home Park Conversions (430.60)

Communication from Councilmember Connie Boardman transmitting the following **Statement of Issue**: At the May 17, 2004, City Council Meeting, I brought forward an H-Item regarding the City's Mobile Home Park Conversion Ordinance (see Attachment 1). Certain proposed changes to this ordinance have been discussed by the City Council and studied by the Mobile Home Advisory Board (MHAB) since November 2002, when then Council Member Bauer recommended an update to the ordinance. Specifically, Council Member Bauer suggested that the methodology used to value mobile homes be revised to reflect local market conditions. As I discussed in my memo, dated May 6, 2004, because in almost two years the MHAB has been unable to reach a consensus on its recommendations, I thought it was time to bring the issue directly to the City Council.

Because of the complexity of the issues involved, the matter has been scheduled for the July 19, 2004, Study Session, at which time I hope that the City Council Members can discuss what, if any, changes should be made to update the conversion ordinance. To facilitate the discussion, the following table contrasts the key provisions of our ordinance with those from seven other California cities (Attachment 2 provides the conversion ordinances for Fremont, Los Gatos, Mountain View, San Jose, San Juan Capistrano, Sunnyvale, and Windsor). The two major issues of disagreement among MHAB members are (a) whether the City's current method of valuing mobile homes using a depreciating asset formula should be changed to a method valuing homes using a fair market value appraisal, and (b) if homes and residents can be relocated, how far away from Huntington Beach is reasonable, considering possible displacement of low-income and elderly residents from support networks, schools, jobs, families, and doctors. These seven ordinances are provided to demonstrate how our City provides significantly less protection to residents who may be displaced.

**Communication with attachments submitted by City Councilmember Connie Boardman dated July 12, 2004 and titled *Conversion Ordinance Study Session on July 19, 2004 – Mobile Home Park*

**Communication submitted by the Manufactured Housing Educational Trust dated July 13, 2004 and titled *Mobile Home Park Conversion Ordinance Review*.
Economic Development Assistant Project Manager Steve Holtz reviewed the table, which was included in the agenda packet, comparing various cities Mobile Home Park conversion ordinances.

***Considerable discussion amongst Council and staff.
City Attorney to prepare legal opinion regarding City Charter issue.
Council to prepare an "H" memo for second meeting in August re: proposed ordinance.***

Call Closed Session of City Council/Redevelopment Agency

7-0

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

(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)

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, Houchen
Present

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

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 – Led by *Councilmember Dave Sullivan*
Mayor dedicated meeting to Cheyanne McKean, daughter of Police Officer Scott McKean.

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.)

Study Session D-1, D-2, Petition against BID

Presentation - Mayor Cathy Green to call on representatives from the Interval House Robert Armstrong, Board President and Sharon Wie, Director of Programs to present a check to Police Chief Kenneth Small. (160.40)

Presented a check for \$29,167.00.

Presentation - Mayor Cathy Green to call on Susan Edwards of Project Self Sufficiency to recognize Time Warner Cable's Vice President & General Manager Tad Yo for the donation of two cars to two mothers in the program. (160.40)

Presentation - Mayor Cathy Green to call on Art Center Director Kate Hoffman to introduce the Center's newest exhibit by Paul Frank and also introduce "Art at the Beach" summer camp. (160.40)

Presented Council with T-shirts.

Mayor's Award - Mayor Cathy Green will be joined by City Attorney Jennifer McGrath to present the Mayor's award. (160.40)

Presented to Office Assistant Jean Sharpe by City Attorney Jennifer McGrath, City Administrator Penelope Culbreth-Graft and Mayor Cathy Green for her many years of dedicated service, her outstanding work ethic & reliability, and her personal touch in recognizing the special events of her coworkers.

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 spoke in opposition to the Business Improvement District for Downtown. He submitted a petition signed by local merchants in opposition.

Speaker spoke in opposition to relocating the Surfing Museum to Pacific City and about a possible alternative location.

Speaker, volunteer as an Administration Hearing Officer for the City, informed Council that no citations were issued re: condo conversions. He stated his belief that the original owners should be responsible for the fee.

Speaker requested Council to give a variance to the citizens who purchased condo conversions. He stated concern on how to present this in the future.

Speaker gave recommendations re: the proposed condo conversion ordinance.

Speaker spoke in opposition to the Downtown Business Improvement District.

Speaker requested Council consideration of fair market value re: mobile homes.

Speaker spoke regarding serious health and safety violations in his community.

Speaker gave his opinion that the fines re: condo conversions should be charged to the original owners and the title companies involved. He also inquired about the repaving project on Warner Avenue.

C-1. Council Committee/Council Liaison Reports - None

C-2. City Administrator's Report - None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's May 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for May 2004.

Recommended Action: Motion to:

Review and accept the monthly investment 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 May 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Treasurer Shari Freidenrich presented a PowerPoint report.

Reviewed and Accepted

6-0-1 (Coerper out of room)

The Mayor Will Recess the City Council/Redevelopment Agency Meetings and Convene the Civic Improvement Corporation Meeting.

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

1. **Call Annual Meeting to Order** of the Huntington Beach Civic Improvement Corporation.
2. **Roll Call:** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
All Present
3. **Election of Officers** – Motion to: Approve the election of Mayor Cathy Green – President, Mayor Pro Tem Jill Hardy – Vice President, and City Clerk Joan L. Flynn – Secretary.
Approved 7-0
4. **(Civic Improvement Corporation) Approve and Adopt Minutes** – Motion to: Approve and adopt the minutes of the regular meeting held July 7, 2003 as written and on file in the Secretary's Office.
Approved and Adopted 7-0
5. **Adjournment** – Adjourn the Annual Meeting of the Huntington Beach Civic Improvement Corporation.

The Mayor Will Reconvene the City Council/Redevelopment Agency Meetings.

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/Redevelopment Agency) Joint Public Hearing to Consider Sale to Robert Koury, of Agency Owned Property Located at 214 Fifth Street (Huntington Beach Redevelopment Project Main-Pier Sub-Area) - Adopt Resolution No. 2004-53 and Agency Resolution No. 349 (650.70)

Communication from the Economic Development Director/Deputy Executive Director and the Administrative Services Director.

Notice is hereby given that the City Council and the Redevelopment Agency of the City of Huntington Beach ("Agency") will hold a joint public hearing on Monday, July 19, 2004 at 7:00 p.m. or soon thereafter in the City Council Chambers located at 2000 Main Street, Huntington Beach, California, to consider the sale of 214 Fifth Street, a 5,300 square foot vacant parcel, (APN# -24-147-34) to Robert Koury. The property is located in the Huntington Beach Redevelopment Project Area, specifically in the Main-Pier sub-area.

As required by California Redevelopment Law (Section 33433), a report on the sale is available for public inspection in the City Clerk's Office and in the Department of Economic Development. The report summarizes the costs of the sale agreement, the estimated value of the interest to be conveyed as determined at the highest and best uses permitted under the redevelopment plan, the estimated value of the interest to be conveyed and the purchase price of \$1,047,700.00. Interested persons may inspect and, upon payment of the costs of reproduction, obtain copies of the 33433 Report and sale documents. The Redevelopment Agency intends to determine that its actions are exempt from the requirements of the California Environmental Quality Act and applicable guidelines.

At any time not later than the hour set forth above for the hearing, comments on the proposed sale may be submitted in writing to the Agency Clerk.

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

Recommended Action:

CITY COUNCIL ACTION: Motion to:

Adopt **Resolution No. 2004-53** – "A Resolution of the City Council of the City of Huntington Beach Approving the Sale of Property Located within the Huntington Beach Redevelopment Project Area;"

and

REDEVELOPMENT AGENCY ACTION: Motion to:

Adopt Agency **Resolution No. 349** – "A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Sale of Property Located Within the Huntington Beach Redevelopment Project Area."

Economic Director David Biggs presented a PowerPoint report.

Adopted 7-0

- D-2. **(City Council) Public Hearing to Consider Appeal Filed by Charles G. Ball of the Planning Commission's Approval of Application (Consistent with the General Plan) Filed by John Warren of Conditional Use Permit No. 03-35 (Target Department Store Demolition and Rebuild) Located at 9882 Adams Avenue (s/w Corner of Brookhurst Street and Adams Avenue)** (420.40) Communication from the Planning Department on a Public Hearing to consider Appeal of the Planning Commission's Approval of Conditional Use Permit No. 03-35 (Target Demolition and Rebuild).

Appellant: Charles G. Ball, Business Properties Development Company

Applicant: John Warren, Pacific Land Services

Request: To permit the demolition of a 103,458 square foot retail building and construction of a new 123,800 square foot Target department store with an 8,100 square foot attached garden center. The request includes a complete redesign of the parking area with installation of new perimeter and interior landscaping, and pedestrian walkways throughout the subject site.

Location: 9882 Adams Avenue (Southwest corner of Brookhurst St. and Adams Ave.)

Environmental Status: Initial environmental assessment for this agenda item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. Mitigated Negative Declaration No. 03-02 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

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 before meeting) July 15, 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 *Target Appeal 9882 Adams Avenue - Appeal of CUP No. 03-35 Applicant: John Warren Appellant: Charles Ball July 19, 2004* is included in the agenda packet.**

****342-page Communication submitted by Rutan & Tucker dated July 14, 2004 and titled *CUP No. 03-34 (Target) 9882 Adams Avenue, Huntington Beach CA* in support of the appeal is available for public review in the City Clerk's Office.**

Recommended Action:

PLANNING COMMISSION AND STAFF RECOMMENDATION: Motion to: Approve Conditional Use Permit No. 03-35 with Findings and Conditions of Approval (Attachment No. 1).

Associate Planner Paul DaVeiga presented a PowerPoint report.

Appellant spoke regarding his opinion that the appeal was filed in a timely manner. He disagreed with the mitigation measures and believes the traffic study is flawed.

Applicant's Attorney spoke and informed Council his support of a traffic signal for the safety and welfare of the citizens.

Applicant informed Council that in his opinion Stater Brothers is responsible mostly for the traffic impact on Brookhurst Street. He urged Council to move forward with the Target remodel project.

Speaker spoke and referred to the Late Communication submitted to Council stating various reasons why the appeal should be denied.

Speaker urged Council to move forward with the project stating Target has done all that has been asked of them regarding traffic signals on Adams Avenue and Brookhurst Street. He also asked Council to approve revised elevation plans and to clarify operating vs. business hours.

Speaker who prepared traffic impact study for Target reviewed the reason for his opinion.

Speaker presented technical rebuttal re: traffic impact study of previous speaker.

Discussion amongst Council, staff and speakers.

Motion to: Deny appeal, approve CUP 03-35 as amended by reducing compact parking spaces by 12, decrease compact parking spaces to the greatest extent possible and locate them in a remote location if possible.

Approved 7-0

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 Adjourned Regular Meetings of May 24, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and Adopted 7-0
- E-2. **(City Council) Approve Boeing Sewage Pump Station No. 12 Maintenance, Replacement and Operation Reimbursement Agreement Between McDonnell Douglas Corporation, the City of Huntington Beach, and Burke Huntington Beach LLC (Bolsa Chica Station Located at 14700 Bolsa Chica Street and Skylab West Maintenance)** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Agreement (Sewage Pump Station No. 12, Bolsa Chica Station, Bolsa Chica Street and Skylab West Maintenance, Replacement and Operation Reimbursement)*. Submitted by the Public Works Director. Funding Source: Not applicable for the agreement. Funds will be deposited annually into a separate fund to comply with terms of the agreement.
Approved 7-0
- E-3. **(City Council) Approve Reimbursement Public Works Agreement Between the City of Huntington Beach and Verizon, Inc. for Costs Incurred for the Fiber to the Premises (FTTP) Project** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Reimbursement - Public Works- Agreement Between the City of Huntington Beach and Verizon, Inc. for Costs Incurred for Fiber to the Premises Project*. Submitted by the Public Works Director. Funding Source: No net cost to the City. An initial deposit amount of \$120,000 will be invoiced against and replenished at established intervals.
Approved 7-0
- E-4. **(Redevelopment Agency) Approve the Fifth Implementation Agreement of the Disposition and Development Agreement (DDA) between the Redevelopment Agency and CIM/Huntington LLC for Blocks 104/105 (The Strand) (Main-Pier Redevelopment Sub-area)** (600.30) – Approve *the Fifth Implementation Agreement to Disposition and Development Agreement by and Between Redevelopment Agency of the City of Huntington Beach, Agency and CIM/Huntington LLC Developer* and authorize the Chairperson and Agency Clerk to execute. Submitted by the Deputy Executive Director. Funding Source: Not Applicable. ***(See Agenda Item Nos. E-8 and E-12.) Councilmember Boardman received clarification from Economic Development Director Biggs re: the need for this implementation.***
Approved 6-1 (Cook – No)

- E-5. (City Council) Approve Appointment of Dan Moss as a Member-at-Large and Reappointments of Dr. Allan Pogrund, Brian E. Rechsteiner, and Susie Jones to the Community Services Commission for Terms from July 1, 2004 to Expire June 30, 2008** (110.20) – 1. Appoint **Dan Moss** to a member-at-large opening on the Community Services Commission for a four-year term. The term will be from July 1, 2004 through June 30, 2008; and 2. Reappoint the following Community Services Commission members: **Dr. Allan Pogrund**, Ocean View School District representative; **Brian E. Rechsteiner**, Huntington Beach City School District representative; and **Susie Jones**, Fountain Valley School District representative. The term for these reappointments will be from July 1, 2004 through June 30, 2008. Submitted by Mayor Cathy Green and Councilmember Dave Sullivan, Liaisons to the Community Services Commission. Funding Source: Not applicable.
Approved 7-0
- E-6. (City Council) Approve Acceptance of Securities (Faithful Performance/Labor and Material Bond, and Monument Bond) and Release the Cash Bond for Lowe's Home Improvement Warehouse** (420.70) – 1. Accept Faithful Performance/Labor and Material Bond No. 104313421, and Monument Bond No. 104313422, the securities furnished for installation of the required public improvements, and instruct the City Clerk to file the bonds with the City Treasurer; and 2. Release the Cash Bond No. T21921 and instruct the City Treasurer to issue a refund in the amount of \$1,323,750 to Lowe's Home Improvement Warehouse, Inc. Submitted by the Public Works Director. Funding Source: Not applicable.
Approved 7-0
- E-7. (City Council) Approve Final Tract Map No. 16438 of Tentative Tract Map No. 16438 (Seaside Terrace 10 Numbered/1 Lettered Lot Subdivision) w/s Lochlea Lane at Lomond Drive at 21341 Locklea Lane – Approve Subdivision Agreement with Bonanni Properties and D. S. Products, a California General Partnership** (420.60)
1. Approve Final Tract Map No. 16438 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 Bonanni Properties and D. S. Products for Tract No. 16438* 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. 16438 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16438 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. 41006655 (Attachment No. 7); (b) Labor and Material Bond No. 41006655 (Attachment No. 7); (c) Monument Bond No. 41006652 (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 7-0

- E-8. (City Council) Appropriate Funds and Approve Agreement between the City and Willdan for Development Processing Services Primarily Required to Process the Verizon Fiber-Optic Installation and The Strand Development (600.10) – 1.** Appropriate funds in the amount of \$150,000 from the undesignated General Fund balance to Public Works Development Services; and **2.** Authorize the expenditure of an additional \$270,000 for professional services from Business Unit account; and **3.** Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Willdan for Development Processing Services*. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$150,000 will be appropriated from the General Fund undesignated fund balance to Public Works Development Services, Professional Services. Fees and deposits received for development-processing services will offset the expense. Additional funds in the amount of \$120,000 will be transferred from salary savings into contract services. **(See Agenda Item Nos. E-4 and E-12.)**
Councilmember Coerper received clarification from Public Works Director re: the funding and street impacts (Bushard Street). Approved 7-0
- E-9. (City Council) Approve License Agreement between the City and J. M. Hollister, LLC for Video Authorization to Provide Live Feed to Their Clothing and Apparel Stores from the Huntington Beach Pier (600.10) – Approve the *License Agreement* between the City of Huntington Beach and J. M. Hollister, LLC (a Virginia limited liability company, Hollister Ohio, LLC (an Ohio limited liability company and Hollister California, LLC (an Ohio limited liability company) to provide live video feed to its stores from the Huntington Beach Pier and authorize the Mayor and City Clerk to execute said agreement. Submitted by the Assistant City Administrator, Community Services Director and Administrative Services Director. Funding Source: Not applicable. The city will receive \$5,000 per month for the license agreement, for a total of \$300,000 for the five year base term.
Approved 7-0**
- E-10. (City Council) Approve Equipment Lease Purchase Agreement with Oshkosh Capital for Two Pierce Fire Engines (600.10) – 1.** Approve and authorize the Director of Administrative Services, per Municipal Code Section 3.02.060, to enter into the *Master Lease - Purchase Agreement* with Oshkosh Capital for two Pierce fire engines. The total amount of \$874,249.70 will come from the FireMed Fund; the maximum term of the agreement is not to exceed five years; and **2.** Authorize the Fire Chief to execute all ancillary documents on behalf of the City, without further approval of City Council required, in substantially the same form as the attached documents. Submitted by the Fire Chief. Funding Source: Funding will be from the FireMed Fund for a total amount of \$874,249.70. If the proposed lease/purchase is approved, this amount will be paid in annual payments of \$174,849.94 over a five-year period beginning in Fiscal Year 2004-2005. The FireMed budgets for Fiscal Year 2003-2004 and Fiscal Year 2004-2005 each include \$207,204 for lease/purchase of Fire Department apparatus.
Approved 7-0
- E-11. (City Council) Adopt Resolution No. 2004-54 Establishing Annual Tax Proceeds - Gann Appropriation Limit for Fiscal Year 2004-2005 (340.90) – Adopt **Resolution No. 2004-54** – “A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2004/2005” of \$481,131,170. Submitted by the Administrative Services Director. Funding Source: Not applicable.
Adopted 7-0**

- E-12. (Redevelopment Agency) Approve Reimbursement Agreement Between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington LLC for Costs Incurred in the Formation of the Project Known as The Strand (600.30) –**
- 1.** Approve the *Reimbursement Agreement Between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC for Costs Incurred for Professional Services for the Project Known as the Strand* for costs relating to the formation of the Community Facilities District and authorize the Chairperson and Agency Clerk to sign the agreement.; and **2.** Authorize the acceptance of \$51,250 deposit funds from CIM/Huntington, LLC into revenue account and appropriate \$51,250 from the Redevelopment Fund unappropriated fund balance into account for expenses associated with Professional Services Contracts pertaining to the reimbursement agreement, and authorize the reimbursement to CIM/Huntington, LLC any unspent deposit funds after the termination of the consultant's contracts; and **3.** Authorize the Deputy Executive Director to enter into the Professional Services Contracts funded through the Reimbursement Agreement with CIM/Huntington, LLC. Submitted by the Deputy Executive Director. Funding Source: Redevelopment Fund unappropriated fund balance. An equal amount of revenue will be deposited into the Redevelopment Fund. In essence there will not be an impact on the Redevelopment Fund. **(See Agenda Item Nos. E-4. and E-8.)**
Approved 7-0
- E-13. (City Council) Approve Huntington Beach Auto Dealers Business Improvement District (BID) 2003-2004 Annual Report - Adopt Resolution of Intention No. 2004-55 to Levy an Annual Assessment for Fiscal Year 2004-2005 - Schedule Public Hearing for August 16, 2004 (460.30) –**
- 1.** Approve the Huntington Beach Auto Dealers Business Improvement District Annual Report for Fiscal Year 2003-2004; **2.** Adopt City Council **Resolution No. 2004-55** – “A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2004-2005 to Fund Improvements Within the Huntington Beach Auto Dealers Business Improvement District;” and **3.** Direct the City Clerk to **schedule a public hearing to be held on August 16, 2004**, and send copies of the Resolution of Intention, BID Boundary Map, and assessment formula to each business to be assessed. Submitted by the Economic Development Director. Funding Source: Not applicable.
Approved 7-0
- E-14. (City Council) Adopt Resolution of Intention No. 2004-56 to Establish the Huntington Beach Downtown Business Improvement District, Levy an Annual Assessment for Fiscal Year 2004-2005 – Schedule Public Hearing for August 16, 2004 (460.30) –** Adopt **Resolution No. 2004-56** – “A Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Create and Establish the “Huntington Beach Downtown Business Improvement District” for the Benefit of all Businesses Located Within the Downtown Business District, and **setting a Public Hearing Date of August 16, 2004** to Formally Establish said Business Improvement District and Levy Assessments.” Submitted by the Economic Development Director. Funding Source: Formation of the proposed BID is being done as part of the Economic Development Department work program. The cost of publication and required mailings of legal notices are budgeted within the Business Development Division operating budget.
Councilmember Boardman received clarification from Economic Director David

***Biggs re: the public hearing process, ballots and Council's role in the decision to establish the Business Improvement District.
Adopted 7-0***

- E-15. (City Council) Approve Huntington Beach Hotel/Motel Business Improvement District (BID) 2003-2004 Fiscal Year Annual Report - Adopt Resolution of Intention No. 2004-57 to Levy an Annual Assessment for Fiscal Year 2004-2005 - Schedule Public Hearing for August 16, 2004 (460.30) – 1. Approve the Huntington Beach Hotel/Motel Business Improvement District Annual Report for Fiscal Year 2003-2004; 2. Adopt City Council **Resolution No. 2004-57** – “A Resolution of the City Council of the City of Huntington Beach Declaring the City’s Intention to Levy an Annual Assessment for Fiscal Year 2004-2005 Within the Huntington Beach Hotel/Motel Business Improvement District;” and 3. Direct the City Clerk to **schedule a public hearing to be held on August 16, 2004**, and send copies of the Resolution of Intention and assessment formula to each business to be assessed. Submitted by the Economic Development Director. Funding Source: Not applicable.
Approved and Adopted 7-0**

F. Administrative Item**F-1 (City Council) Approve City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)**

Communication from Mayor Pro Tem Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the Federal or State Legislatures, a State or regional body or to be put on a ballot for approval by the voters?

Recommended Action: Motion to:

1. **SUPPORT AB 454 (06/28/04) (Yee) – Beaches - Smoking Ban IF AMENDED** to remove the exception allowing smoking within 20 feet of an appropriate waste receptacle.

and

2. **OPPOSE AB 1324 (06/01/04) (Steinberg) – Workers' Compensation – Infectious Diseases**

and

SUPPORT

3. **DISCUSS SB 18 (06/28/04) (Burton) Traditional Tribal Cultural – Local Land Use**

and

4. **OPPOSE SB 1351 (06/21/04) (Soto) Political Reform Act – UNLESS AMENDED** to reinsert the work “dependent” in the definition of “Immediate Family”

Approved 5-1-1 (Green – No, Houchen absent)

G. Ordinances**G-1. Ordinance for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3657 Amending Huntington Beach Zoning and Subdivision Chapter 235 (Condominium Conversions) (450.20) - 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.” (Approved as amended for introduction at the 7/6/04 Public Hearing.)**

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3657** by roll call vote.

Approved for Introduction as amended regarding compliance with Zoning Provision Section 235.08 – effective date should be June 1, 2004.

Approved 5-1-1 (Coerper – No, Houchen absent)

G-2. Ordinances for Introduction - None**H. 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.

Councilmember Boardman announced that she will not be seeking re-election.

Council/Agency Adjournment to Monday, August 2, 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.

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