

**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 AUGUST 16, 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 – 5:04 p.m.**

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
***Present***

**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)**

***None***

**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 Presentation by the Fire Department Re: Weapons of Mass Destruction (WMD) Program** (340.80)

The Fire Department will report on the Weapons of Mass Destruction Program.

A communication dated August 3, 2004 and titled *Subject: Weapons of Mass Destruction Program* is included in the agenda packet, which includes a list of equipment and training our city has been granted.

***Program Manager of Weapons of Mass Destruction Chuck Reynolds made presentation in the absence of Fire Chief Duane Olson. Councilmember Boardman asked questions regarding communications with other agencies and funding trails. Councilmember Coerper asked about training exercises with other agencies and the Huntington Beach staff. Fire Department personnel Captain Greg Funderburk introduced tools and their capabilities to Council and Staff which were purchased with grant dollars. Councilmember Boardman asked about the response time for the devices. In response to Councilmember Coerper's questions, Captain Funderburk discussed battery protocol. He also showed responder kit for nerve agent antidote. Discussion on unit resources/computers and internet access to other agencies and books. Councilmember Cook asked the value of equipment shown. Some prices were \$45,000.00 each, with over a million dollars worth of equipment in the room.***

**Call Closed Session of City Council/Redevelopment Agency**

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

***Approved 7-0***

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 P. 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 **Carlos Gonzales v. City of Huntington Beach**, WCAB Case No. ANA 0361664; ANA 036363; ANA 0363673; ANA 0364108; Claim No. COHB-85-2148; COHB-00-0037. Subject: **Carlos Gonzales v. City of Huntington Beach**. (120.80)

3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. Number of Potential Cases: one. Subject: **Potential Litigation re proposed settlement between Paramount Petroleum and City of Huntington Beach.** (120.80)
  
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. Number of Potential Cases: unknown at this time. Subject: **Potential Litigation re Enforcement of Covenants, Conditions and Restrictions for Affordable Housing.** (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)).**

*None*

**Roll Call** Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
*Present*

**Pledge of Allegiance/Flag Salute** – To be led by Mayor Cathy Green  
*In memory of Detective Bob Winstein*

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 Gil Coerper*

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.)

***Agenda re: E8, D-1, D-3, D-4***

**Presentation** - Mayor Cathy Green to call on Janice Hansen who will introduce the Wave Riders. Amy Hansen (13), Alyssa Hansen (11), Nicholas Johnsen (12) and Kaycee Johnsen (11) are four young people who were awarded a grand prize in the National Toy Challenge 2004. Amy and Alyssa are from Irvine and Nicholas and Kaycee are from Huntington Beach. (160.40)

**Presentation** - Mayor Cathy Green to call on Jim Engle to introduce Ron Shenkman and Bruce Shuman from Rainbow Disposal who will present a check for \$3,000 for Project Self-Sufficiency. (160.40)

**Presentation** - Mayor Cathy Green to call on Jim Engle to introduce Ron Shenkman and Bruce Shuman from Rainbow Disposal who will present a check for \$7,500 that will be used to purchase trash receptacles for the Sports Complex. (160.40)

**Presentation** - Mayor Cathy Green to call on Shipley Nature Center President Juana Mueller to present commendations to supporters of the restoration of the Shipley Nature Center. (160.40)  
***September 18, 2004 – 10 a.m. – 3 p.m. event***

**Presentation** - Mayor Cathy Green to present a commendation to Huntington Beach resident and member of the Fire Department's Community Emergency Response Team (CERT), Phil Burtis, whose heroic efforts saved the life of a young drowning victim. (160.40)

**Mayor's Award** - Mayor Cathy Green will be joined by Administrative Services Director Clay Martin to present the Mayor's Award to Senior Budget Analyst John Roulette. (160.40)

***Councilmember Boardman requested to bring H-2b forward after Public Comments.***

**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 on behalf of Mobile Home Park residents requested that the ordinance be adopted and the homes be sold or relocated at fair market value.***

***Speaker cautioned that mobile home conversion ordinance may result in a class action suit, and spoke regarding eminent domain.***

***Speaker brought petition in favor of proposed mobile home conversion ordinance. Speaker described her park, Pacific Mobile Homes.***

***Speaker, Los Amigos Mobile Home Park resident, spoke regarding his park as affordable housing.***

***Speaker, legal counsel to the Manufactured Housing Educational Trust (MHET) informed Council as having reviewed the Municipal Code and the agenda item on behalf of the Trust. Speaker voiced concerns with the provisions of Chapter 234 conflicting with State Law and the City Charter Section 803, the Fair Initiative Measure. Speaker referred to Late Communication he distributed.***

***Speaker, State President of the Golden State Mobile Home Owners League (GSMOL) spoke in support of agenda item H-2b. Speaker spoke in favor of "in-place" value for displaced mobile homeowners.***

***Speakers, residents of Huntington-By-The-Sea Mobile Home Park, spoke regarding page 21 of the agenda urging Council approval of the proposed conversion ordinance. Speaker distributed handout.***

***Speaker reiterated support for the mobile home conversion ordinance using the "in-place" value formula.***

*Several additional speakers in support of proposed mobile home ordinance.*

*Speaker recommending mobile home ordinance reflect an indicator rather than a dollar amount due to the fluctuating market.*

*Speaker brought photographs of homes at Cabrillo Mobile Home Park.*

*Speaker spoke in support of Councilmember Boardman's agenda items H-2a, H-2b, and H-2c.*

*Speaker, a member of the Mobile Home Advisory Board requested a "yes" vote in support of the proposed amendment to the mobile home conversion ordinance.*

*Speaker provided update of the Tree Society, announcing a brochure will be included as an insert to the water bill. Speaker spoke of tree plantings throughout the city's parks.*

*Speaker stressed her home is not a trailer but a manufactured home and her park, Huntington-By-The-Sea is up for closure in 2015. Speaker stated value of homes range from \$50,000.00 to \$160,000.00.*

*Speaker spoke of problems encountered at residence in Crystal Island, including what he alleges as improperly installed roofs and electric gate. Speaker spoke in opposition to the release of bonds on his tract.*

*Speaker spoke regarding the Long Beach Airport, stating that the FAA (Federal Aviation Agency) has recently been planning expansions of air flight paths. Speaker announced an online petition at [www.petition.com/lqbaia](http://www.petition.com/lqbaia).*

*Speaker announced candidacy as Libertarian candidate for City Council and that he is also running for State Assembly and the School Board. Speaker thanked Community Relations Officer Laurie Payne for adding scroll on meeting regarding the proposed recreational vehicle parking scheduled for September 21, 2004 6:00 p.m. in the Council Chambers.*

*Councilmember Boardman motioned to continue meeting at a time when Mayor Pro Tem Hardy can be present.*

*Approved 6-0-1 (Hardy absent)*

C-1. ]

Council Committee/Council Liaison Reports - NoneC-2. City Administrator's Report*City Administrator Penny Culbreth-Graft announced:*

*West Nile Virus – the County has been in contact with the City staff as has been former Mayor/Councilmember Peter Green. Councilmember Houchen asked for an update report. The City has asked Vector Control District for advice; to which the response was to wear protective clothing and use DEET, an insect repellent. The City Administrator also announced that issues raised by council members relating to the Sports Complex would be addressed in a report sometime this week.*

**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 Consider Appeal Filed by Applicant, Club Moulin Rouge, LLC of the Revocation of Entertainment Permit, ABC File No. 41-378238 (Located at 10142 Adams Avenue e/o Brookhurst Street) (420.40)**

Public hearing to consider the appeal filed by Moulin Rouge, LLC of the revocation of the Entertainment Permit for Club Moulin Rouge, LLC, which is located at 10142 Adams Avenue, Huntington Beach, CA, 92646 (east of Brookhurst Street).

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.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the request 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. 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

\*\*Communication with Recommended Action stated below from Police Chief Kenneth W. Small dated August 6, 2004 and titled *Moulin Rouge Entertainment Permit Revocation* is included in the agenda packet.

\*\*Communication of the appeal from Floyd G. Belsito, Esq. Attorney at Law dated July 2, 2004 titled *Revocation of Entertainment Permit Club Moulin Rouge, LLC* with includes a copy of the letter dated June 29, 2004 sent to Bill Pham is included in the agenda packet.

\*\*Communication from Mr. and Mrs. David Wickersham dated August 10, 2004 titled *City Council Public Hearing 8/16/04 Moulin Rouge LLC appeal* is included in the agenda packet.

**Recommended Action:**

It is requested that, following the public hearing, that the council deny the appeal from the Moulin Rouge.

***Police Chief Kenneth Small provided a brief introduction regarding the conditions, stating reasons for the revocation of the permit. Chief Small summarized the Communication included in the agenda packet.***

***Applicant and one of the Moulin Rouge club owners, Bill Pham spoke relative to efforts to mitigate noise, including the hiring of acoustic engineers. Mr. Pham***

*contended problems arose due to a miscommunication and that it has not been established that the Moulin Rouge is a noise nuisance.*

*Councilmember Coerper requested that the City Treasurer provide records if fines have been paid.*

*Detective Krause reported on the police calls for service on noise complaints.*

*Mayor Green opened the public hearing.*

*City Clerk, Joan L. Flynn restated the Late Communications announced earlier as it pertains to this public hearing.*

*Several Meredith Gardens residents spoke during public testimony in opposition to continued operation of the club.*

*The Attorney for the applicant/appellant, Lloyd Belsito spoke regarding ambient noise levels.*

*Mayor Green closed the public hearing.*

*Motion to deny appeal from the Moulin Rouge.  
Approved 6-0-1 (Hardy absent)*

**D-2. (City Council) Public Hearing Pursuant to Resolution of Intent No. 2004-56 Adopted on July 19, 2004 to Consider the Formation of a Proposed Huntington Beach Downtown Business Improvement District – Approve Introduction of Ordinance No. 3661 (460.30)**

Communication from the Economic Development Director transmitting the following **Statement of Issue:** At the City Council meeting of July 19, 2004, the City Council approved **Resolution of Intent No. 2004-56**. This action declared the City's intention to levy an assessment for the Huntington Beach Downtown Business Improvement District for 2004-2005 and authorized the City Clerk to schedule a public hearing to be held on August 16, 2004. Copies of the Resolution, BID Boundary Map and assessment formula were sent to each business to be assessed. A protest ballot and pre-addressed envelope were also sent to each business in the boundary area. In order to form the Huntington Beach Downtown Business Improvement District, the City Council must now hold a public hearing and pass an ordinance forming the new BID and approving the assessment for the 2004-2005 fiscal year, assuming the protest threshold is not reached.

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

**\*\*PowerPoint presentation titled *Downtown Business Improvement District Establishment for FY 2004-2005; August 16, 2004* is included in the agenda packet.**

**Recommended Action:** Motion to:

1. Conduct public hearing.

**and**

2. After the City Clerk reads by title, approve by roll call vote, introduction of **Ordinance No. 3661** – “*An Ordinance of the City of Huntington Beach Establishing the Huntington Beach Downtown Business Improvement District.*”  
**Economic Development Director David Biggs presented Power Point. Mr. Biggs introduced Christy Teague of his staff assigned to the project.**

***Mayor Green opened the protest public hearing.***

***City Clerk Joan L. Flynn reported on the public hearing conditions set for protests.***

***Public testimony was heard in support of the BID.***

***Speakers proposed third tier be adopted for small business owners under 1,000 square feet.***

***Speaker spoke in opposition to what he finds to be unfair, stating that it should not be a mandatory fee assessment if it does not benefit the business owner.***

***Speaker announced a petition has been started against the BID and a survey sent which resulted so far in 74 against; 4 in favor, one undecided and 5 returned to sender.***

***Speaker, President of the Huntington Beach Conference and Visitor's Bureau spoke in favor of the BID as an ideal model.***

***Mayor Green closed the public hearing.***

***City Clerk Joan L. Flynn reported the percentage of assessments protested is 10.8%, or \$8,800 of the \$81,225 total assessment amount. 39 protests received.***

***Councilmember Cook recommended removing the property owners from BID and Councilmember Boardman recommended assessment of \$250.00 (decreased by half of proposed) for business owners of under 1,000 square feet.***

***Councilmember Houchen expressed concern that real estate brokers do not hold business licenses.***

***Motion to take business/retail restaurants under 1,000 square feet and assess fee of \$250.00.***

***Approved 5-1-1 (Sullivan - No, Hardy absent)***

***Motion to remove apartments from BID.***

***Approved 4-2-1 (Sullivan, Green – No, Hardy absent)***

***Motion to approve introduction of ordinance with amendments.***

***Approved Introduction 6-0-1 (Hardy absent)***

**D-3. (City Council) Public Hearing – Adopt Resolution No. 2004-65 Approving an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District (460.30)**

Communication from the Economic Development Director transmitting the following **Statement of Issue**: At the City Council meeting of July 19, 2004, the City Council approved Resolution No. 2004-55. This action declared the City's intention to levy an assessment for the Huntington Beach Auto Dealers Business Improvement District for 2004-2005 and authorized the City Clerk to schedule a public hearing to be held on August 16, 2004. Copies of the resolution, BID Boundary Map and assessment formula were sent to each business to be assessed. In follow-up to this action, the City Council must now hold a public hearing and pass a resolution approving an annual assessment for the 2004-2005 fiscal year.

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

*\*\*PowerPoint presentation titled Huntington Beach Auto Dealers Business Improvement District (BID) Annual Renewal for FY 2004-2005 August 16, 2004 is included in the agenda packet.*

**Recommended Action:** Motion to:

1. Conduct Public Hearing

**and**

2. Adopt City Council **Resolution No. 2004-65** – “A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2004-2005.”

***Approved and adopted 6-0-1 (Hardy absent)***

**D-4. (City Council) Public Hearing - Adopt Resolution No. 2004-66 Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District Fiscal Year 2004-2005 (460.30)**

Communication from the Economic Development Director transmitting the following **Statement of Issue**: At the City Council meeting of July 19, 2004, the City Council approved Resolution No. 2004-57. This action declared the City's intention to levy an assessment for the Huntington Beach Hotel/Motel Business Improvement District for 2004-2005 and authorized the City Clerk to schedule a public hearing to be held on August 16, 2004. Copies of the resolution, Boundary Map and assessment formula were sent to each business to be assessed. In follow-up to this action, the City Council must now hold a public hearing and pass a resolution approving an annual assessment for the 2004-2005 fiscal year.

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

*\*\*PowerPoint presentation titled Huntington Beach Hotel/Motel Business Improvement District (BID) Annual Renewal for FY 2004-2005 August 16, 2004 is included in the agenda packet.*

**Recommended Action:** Motion to:

1. Conduct Public Hearing

**and**

2. Adopt City Council **Resolution No. 2004-66** – “A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District for Fiscal Year 2004-2005.”  
**Approved and adopted 6-0-1 (Hardy 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) Adopt Resolution No. 2004-70 Regarding Candidate Statements** (620.10) – Adopt **Resolution No. 2004-70** – “A Resolution of the City Council of the City of Huntington Beach Adopting Regulations for Candidates for Elective Office Pertaining to Candidates’ Statements Submitted to the Voters at an Election.” Submitted by the City Clerk. Funding Source: Not Applicable  
**City Clerk Joan L. Flynn, City Attorney Jennifer McGrath and City Administrator Penny Culbreth-Grath reported.**  
**Adopted 5-1-1 (Sullivan – No, Hardy absent)**
- E-2. (City Council) Receive and File City Clerk’s Report Listing Professional Services Agreements Filed in the City Clerk’s Office between May 1, 2004 through July 31, 2004** (600.05) – Receive and file the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03* and submitted to the City Clerk’s Office for the period May 1, 2004 through July 31, 2004. Submitted by the City Clerk. Funding Source: Not Applicable. (Report presented pursuant to City Council directed policy of November 19, 2001.)  
**Councilmember Cook recommended adding another column listing funds that come from other than City funds.**  
**Approved 6-0-1 (Hardy absent)**
- E-3. (City Council) Approve Appropriation Police Chief to Enter into an Agreement to Assist With Background Investigation – Authorize Appropriation of Funds** (320.45) – **1.** Approve and authorize the Police Chief enter into an agreement with a private company to assist with background investigation services as assigned and approved by the Police Department; and **2.** Approve the appropriation of \$28,000 from the unreserved, undesignated General Fund Balance for background investigation services; and **3.** Authorize the Police Chief to expend up to \$28,000 for background investigation services. Submitted by the Police Chief. Funding Source: Appropriate \$28,000 for background investigations from the unreserved, undesignated General Fund Balance.  
**Approved 6-0-1 (Hardy absent)**
- E-4. (City Council) Approve Appointments of Stephanie Paggi and Christopher Hoff to the Allied Arts Board for a Term to Expire June 30, 2008** (110.20) – **1.** Appoint **Stephanie Paggi** to the Allied Arts Board for a term to expire June 30, 2008; and **2.** Appoint **Christopher Hoff** to the Allied Arts Board for a term to expire June 30, 2008. Submitted by the Community Services Director and as recommended by Council Liaisons Councilmember Connie Boardman and Councilmember Pam Houchen. Funding Source: Not applicable.  
**Approved 6-0-1 (Hardy absent)**

- E-5. (City Council) Approve Reappointment of John Myers and Appointments of Elizabeth Smith and Dr. David Hubbard to the Community Services Commission for a Term Effective July 1, 2004 Through June 30, 2008** (110.20) – **1.** Reappoint **John Myers** as the Huntington Beach Union High School District representative to the Community Services Commission for a four-year term. The term will be from July 1, 2004 through June 30, 2008; and **2.** Appoint the following school district representatives to the Community Services Commission: **Elizabeth Smith**, Coast Community college District; **Dr. David Hubbard**, Westminster School District. The term for these appointments will be from July 1, 2004 through June 30, 2008. Submitted by the Community Services Director and as recommended by Council Liaisons Mayor Cathy Green and Councilmember Dave Sullivan. Funding Source: Not applicable.  
**Approved 6-0-1 (Hardy absent)**
- E-6. (City Council) Approve Appointments of Billie Kennedy and Debra Watkins to the Historic Resources Board for a Term to Expire June 30, 2008** (110.20) – **1.** Appoint **Billie Kennedy** to the Historic Resources Board for a term to expire June 30, 2008; and **2.** Appoint **Debra Watkins** to the Historic Resources Board for a term to expire June 30, 2008. Submitted by the Community Services Director and as recommended by Council Liaisons Mayor Pro Tem Jill Hardy and Councilmember Dave Sullivan. Funding Source: Not applicable.  
**Approved 6-0-1 (Hardy absent)**
- E-7. (City Council) Accept Bid and Award Construction Contract to Sancon Technologies for the Ross Quarter Section Sewer Rehabilitation Project (Roughly Bounded by Heil Avenue, I-405 Freeway, Warner Avenue and Newland Street); CC-1215** (600.60) **1.** Accept the lowest responsive and responsible bid submitted by Sancon Technologies, Inc. in the amount of \$586,512; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: A reimbursable grant from the Orange County Sanitation District (OCSD) will fund one half of the project cost. Funds for the project are budgeted in the Sewer Service Fund CIP. The engineer's cost estimate is \$820,000.  
**Approved 6-0-1 (Hardy absent)**
- E-8. (City Council) Accept Bid and Award Construction Contract to Sully-Miller Contracting Company for the 2003/2004 Pavement Rehabilitation Project (Located on Portions of Brookhurst Street, Bushard Street, Edwards Street, Warner Avenue, and Davenport Island, Hooker Drive and Hughes Drive); CC-1222** (600.50) **1.** Accept the lowest responsive and responsible bid submitted by Sully-Miller Contracting Co., in the amount of \$2,093,662.85 for the 2003/2004 Pavement Rehabilitation Project, CC-1222; and **2.** Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds for the project are budgeted through Measure M Fund, Street Improvements Account Fund. The engineer's estimate was \$2,543,000.  
**Approved 6-0-1 (Hardy absent)**

- E-9. **(City Council) Adopt Resolution No. 2004-67 Relating to Fees for Parking at the Sports Complex, Camping Facilities and Beach Parking Lots – Amends Citywide User Schedule Resolution No. 2003-65 (Supplemental Fee No. 2)** (340.20) – Adopt **Resolution No. 2004-67** – “A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2003-65 Entitled, “A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Schedule for Charges for Facility Rentals and Recreation Services” (Supplemental Fee Resolution No. 2) Relating to Fees for Parking at the Sports Complex, Camping Facilities and Beach Parking Lots.” Submitted by the Community Services Director. Funding Source: Not applicable. **Amended to eliminate discount for residents.**  
**Adopted 4-1-1-1 (Coerper No, Green abstain, Hardy absent)**
- E-10. **(City Council) Adopt Resolution of Intention No. 2004-68 Re: Establishment of Proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) - Adopt Resolution No. 2004-69 Declaring Necessity for Proposed City of Huntington Beach Community Facilities District No. 2004-1 to Incur Bonded Indebtedness (CIM/Huntington, LLC Disposition and Development Agreement – Blocks 104/105)** (350.30) – 1. Adopt **Resolution No. 2004-68** – “Resolution of Intention of the City Council of the City of Huntington Beach with Respect to Establishment of Proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand);” and 2. Adopt **Resolution No. 2004-69** – “Resolution of the City Council of the City of Huntington Beach Declaring Necessity for Proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) to Incur a Bonded Indebtedness.” Submitted by the Public Works Director. Funding Source: None as a result of this action (Future bond proceeds not to exceed \$15 million).  
**Adopted 6-0-1 (Hardy absent)**

**F. Administrative Items****F-1. (City Council) Adopt Resolution No. 2004-71 Levying a Retirement Property Tax Rate for Fiscal Year 2004-2005 of .00696% Representing Cost of Pre 1978 Benefits (340.90)**

Communication from the City Attorney and Administrative Services Director transmitting the following **Statement of Issue**: Should the City adopt a tax rate consistent with the City Charter and California State Law? The fiscal year 2004-2005 General Fund proposed budget includes estimated retirement tax revenue of \$1.4 million to fund a portion of cost of the pre-1978 employee retirement benefits. The remaining costs will be paid from other available city revenue.

**Recommended Action**: Motion to:

Adopt **Resolution No. 2004-71** – “A Resolution of the City Council of the City of Huntington Beach Levying a Retirement Property Tax for Fiscal Year 2004-2005 to Pay for Pre-1978 Employee Retirement Benefits,” of .00696% of assessed value (approximately \$7.00 per \$100,000 of assessed value).

**City Attorney Jennifer McGrath orally reported.**  
**Adopted 6-0-1 (Hardy absent)**

G. Ordinances

G-1. Ordinances for Adoption

Five (5) affirmative votes are required to adopt this Ordinance per Health & Safety Code §5471

**(City Council) Adopt Ordinance No. 3658 Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU (Consumer Price Index for all Urban Consumers) Adjustment for Sewer Service** (300.20) - **Ordinance No. 3658** - *“An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Annual CPIU Adjustment for Sewer Service”* amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Rates, Charges, Annual CPIU (Consumer Price Index for all Urban Consumers) Adjustments and Billing Methodology for the Sewer Service Charge. (Approved for introduction at the August 2, 2004 Council Meeting.)  
**Recommended Action:** After the City Clerk reads by title, adopt **Ordinance No. 3658**, by roll call vote.  
**Adopted 6-0-1 (Hardy absent)**

**G-1b. (City Council) Adopt Ordinance No. 3659 Amending Chapter 13.52 of the Huntington Beach Municipal Code Relating to Public Buildings and Cellular Phone Use** (210.10) **Ordinance No. 3659** – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.52 of the Municipal Code Relating to Public Buildings and Cellular Phone Use.”* (Approved for introduction as amended at the August 2, 2004 Council Meeting.)  
**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3659** by roll call vote.  
**Adopted 6-0-1 (Hardy absent)**

**G-1c. (City Council) Adopt Ordinance No. 3660 Amending Chapters 10.04, 10.60, and 10.68 of the Huntington Beach Municipal Code Relating to Parking** (560.20) – **Ordinance No. 3660** – *“An Ordinance of the City of Huntington Beach Amending Chapters 10.04, 10.60, and 10.68 of the Huntington Beach Municipal Code Relating to Parking.”* (Approved for introduction at the August 2, 2004 Council Meeting.)  
**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3660** by roll call vote.  
**Adopted 6-0-1 (Hardy absent)**

G-2. Ordinance for Introduction

**G-2a. (City Council) Approve for Introduction Ordinance No. 3662 Amending Chapter 2.86 of the Huntington Beach Municipal Code Relating to the Powers and Duties of the Library Director** (700.10) - Communication from the City Attorney transmitting the following **Statement of Issue:** Whether or not to adopt Ordinance No. 3662 entitled *“An Ordinance of the City of Huntington Beach Amending Chapter 2.86 of the Huntington Beach Municipal Code Relating to Powers and Duties of the Library Director.”* This ordinance would give enforcement powers/duties to the Library Director to issue administrative citations.  
**Recommended Action:** After City Clerk reads by title, approve for introduction **Ordinance No. 3662** by roll call vote.  
**Approved for introduction 6-0-1 (Hardy absent)**

**H. City Council/Redevelopment Agency Items****H-1a. Submitted By Mayor Cathy Green****(City Council) Approve Mayor Cathy Green as the Voting Delegate and Mayor Pro Tem Jill Hardy as Alternate to the Annual League of California Cities Conference (120.25)**

Communication from Mayor Cathy Green transmitting the following **Statement of Issue**:  
The Annual Conference for the League of California Cities will be held in Long Beach from Friday, September 17 through Sunday, September 19.

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, August 20, 2004 of the names of our delegate and alternate.

Traditionally the City Council has appointed the Mayor as its delegate. Since I am planning to attend the conference this year, I respectfully request that the Council appoint me as the City's official delegate. I would also request that Mayor Pro Tem Hardy be appointed as the alternate.

To that end, I would ask that a member of the Council move the following:

**Recommended Action:** Motion to:

Appoint **Mayor Cathy Green** to serve as the delegate and **Mayor Pro Tem Jill Hardy** to serve as the alternate delegate for the City of Huntington Beach at this year's Annual Conference of the League of California Cities, September 17<sup>th</sup> through September 19<sup>th</sup>.

***Approved 6-0-1 (Hardy absent)***

**H-2a. Submitted By Councilmember Connie Boardman****(City Council) Direct Staff to Post Signs on Pier to Protect Wildlife** (120.10)

Communication from Councilmember Connie Boardman transmitting the following **Statement of Issue:** Each year dozens of Elegant Terns, Skimmers, Caspian Terns and their chicks die on the nesting islands at Bolsa Chica when one bird returns to the island with fishing line trailing from it. These birds nest very closely together and when one returns with fishing line, many become tangled up in the line and starve to death.

Often the birds become tangled as they grab at either a baitfish or other fish on a fishing line. The person fishing becomes panicked at the idea of harming the bird and cuts the line, leaving a long string of line for the bird to bring back to the nesting area. As cruel as it seems the best thing to do is to reel the bird in and cut the line as close to the bird as possible. Another alternative is to reel in the bird and take it to the Wetlands and Wildlife Care Center on Newland and Pacific Coast Highway.

While on vacation in the Eastern Sierra recently, I noticed signs around lakes and streams advising those fishing to be responsible with their discarded fishing line since wildlife and humans can get tangled in it. Since many of the terns that nest at Bolsa Chica fish in the water near our pier, I think similar signs on our pier could help alleviate the problem of breeding birds and their chicks becoming tangled in fishing line.

**Recommended Action:** Motion to:

To direct staff to post signs on our pier advising:

1. That wildlife and humans get caught in discarded fishing line and to throw away excess fishing line in a trash container rather than tossing it into the water or onto the pier.

**and**

2. If a bird is mistakenly hooked, to cut the line as close to the bird as possible, even if that means having to reel it in.

**and**

3. The location and phone number of the Wetlands and Wildlife Care Center.

***Approved with amendment to place signs where there are fisherman.***

***Approved 6-0-1 (Hardy absent)***

**H2b. Submitted By Councilmember Connie Boardman**

**(City Council) Direct City Attorney to Return to Council Within 30 Days an Ordinance to Amend Huntington Beach Zoning and Subdivision Code Relating to Mobile Home Park Conversion** (120.90)

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). At that time, I recommended that the Council consider alternatives to update the ordinance and give direction to the City Attorney as to what changes, if any, the Council wishes to make to the ordinance and that the City Attorney return the amended ordinance to the Council for approval.

Because of the complexity of the issues involved, the matter was scheduled for a City Council Study Session on July 19, 2004, where staff compared three elements of our conversion ordinance with ordinances from seven other California cities (Fremont, Los Gatos, Mountain View, San Jose, San Juan Capistrano, Sunnyvale, and Windsor). The three major elements of the Mobile Home Park Conversion Ordinance that the Council may wish to consider updating include: (1) the method for valuing mobile homes to be purchased rather than relocated, (2) the radius within which residents to be relocated may be moved, and (3) the minimum compensation park owners must provide displaced residents. A summary of this comparison is provided below:

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
Huntington Beach	Original purchase price discounted 4.7% per year	50 miles	<ul style="list-style-type: none"> <li>a. Cost of physically moving mobile home within relocation radius.</li> <li>b. If resident wishes to relocate mobile home beyond relocation radius, additional cost of relocation beyond 50 miles will be paid by homeowner.</li> <li>c. If coach cannot be relocated, residents will be compensated according to the following formula: The original purchase price of each unit will be ascertained and discounted at a rate of 4.7% per year. This amount may not be less than \$4,500 plus moving expenses up to \$500, an aggregate not to exceed \$5,000.</li> <li>c. For residents not relocated, rent differential of 50% of the increase in the cost of housing for first year, not to exceed \$750.</li> </ul>

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
Fremont	In Place Value	Reasonable Distance	<ul style="list-style-type: none"> <li>a. General relocation assistance.</li> <li>b. Relocation of mobile homes that can be moved within a reasonable distance considering each resident's job, medical facilities, and other important facilities.</li> <li>c. Reasonable cost housing, if available, in the new development project.</li> <li>d. For residents unable to relocate their coach or move into new development project, the in place value of their coach.</li> </ul>
Los Gatos	Fair Market Value	Within Town of Los Gatos (residents may choose to relocate elsewhere)	<ul style="list-style-type: none"> <li>a. If resident relocates coach to another park in Los Gatos, cost of physically moving mobile home.</li> <li>b. If resident relocates coach to another park outside of Los Gatos, the estimated cost of moving to the closest park that would accept the coach.</li> <li>c. For residents unable to relocate their coach, the fair market value of their coach.</li> </ul>
Mountain View	Fair Market Value	None	To be determined by City Council at time of application by park owner. At a minimum, if suitable relocation is not available, each resident must be compensated the in place fair market value of their coach.
San Jose	In Place Value	Santa Clara, Alameda, Santa Cruz, or San Mateo County	<ul style="list-style-type: none"> <li>a. Costs of moving furniture and personal belongings to new residence.</li> <li>b. Cost of physically moving mobile home.</li> <li>c. For residents who move into multifamily housing, any rent differential for first two years of tenancy.</li> <li>d. For residents who relocate to another mobile home park, any rent differential for first two years of tenancy.</li> <li>e. For residents unable to relocate their coach, the in place value of their coach.</li> </ul>

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
			<p>f. For disabled, elderly, low income, or families with children, the City may require extended leases beyond the park closure date.</p> <p>g. For disabled, elderly, low income, or families with children, the City may require setting aside rental spaces for continued tenant occupancy.</p>
San Juan Capistrano	Fair Market Value	50 miles	<p>a. Costs of relocation.</p> <p>b. Costs of physically moving mobile home.</p> <p>c. First and last month's rent and any security deposit at new mobile home park.</p> <p>d. Any rent differential at new mobile home park for first year of tenancy.</p> <p>e. For residents unable to relocate their coach, the fair market value of their coach.</p>
Sunnyvale	In Place Value	20 miles	<p>a. For residents who elect to relocate:</p> <ol style="list-style-type: none"> <li>1. A housing allowance of \$1,300 adjusted for inflation (1980) for first month's rent, security deposit, and temporary lodging.</li> <li>2. An additional allowance will be provided of \$3,200 for a single-wide and \$12,650 for a multisection mobile home, adjusted for inflation.</li> <li>3. Costs of physically moving mobile home.</li> </ol> <p>b. For residents who elect to sell their mobile homes, 85% of (1) in place value or (2) cost of local relocation.</p>
Windsor	Fair Market Value	30 miles	<p>a. General relocation assistance.</p> <p>b. Costs of physically moving mobile home.</p> <p>c. First and last month's rent and any security deposit at new mobile home park.</p> <p>d. Any rent differential at new mobile</p>

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
			home park for first year of tenancy. e. For residents unable to relocate their coach, the fair market value of their coach. f. For residents who move into multifamily housing, any rent differential for first two years of tenancy.

In addition to the above three elements of the Mobile Home Park Conversion Ordinance that the Council may consider updating, I recommended that the City Council add a provision to the ordinance to eliminate the potential for mobile home park owners to raise rents and force lower income residents out of their homes. I proposed that the Council add language, such as the following, to prevent park owners from intentionally driving out residents prior to announcing their intent to close a park, thereby avoiding the relocation or compensation provisions of the City's ordinance.

Mobile home park owners applying to the City for a conversion of use must submit satisfactory documentation evidencing the following for each month for the period three years prior to the owner's initial announcement of his or her intent to close the park through the date of application to the City: each resident within the park, identifying all residents with children, disabled residents, and elderly residents; the square footage of each mobile home lot; the monthly rental rate for each mobile home lot; and the monthly space vacancies. For any resident during this period that the City determines lost their mobile home due to abandonment or foreclosure **resulting from an elevation in space rent**, the park owner shall be obligated to pay all compensation that would have otherwise been due under this ordinance. The park owner shall locate any such former residents and provide current contact information to the City. If any such former residents cannot be located, the City shall hold their compensation in trust for three years. At the end of this time, if the former resident (or the resident's heirs, if the resident is deceased) has not been located, the funds will be used to provide affordable housing in the City.

**Recommend Action:**

That the Council give direction to the City Attorney to change our ordinance to include the use of in place fair market value to establish the value of the coaches and to reduce the relocation radius to 20 miles. This motion also directs the City Attorney to include the language immediately above to protect mobile home owners and that the City Attorney return the amended ordinance within 30 days to the Council for approval.

***Brought forward after Public Comments.***

***Approved to continue to next regular meeting due to Mayor Pro Tem Hardy's absence. 6-0-1 (Hardy absent).***

**H-2c. Submitted by Councilmember Connie Boardman****(City Council) Direct Staff to Amend the Affordable Housing Ordinance and Return to Council** (120.90)

Communication from Councilmember Connie Boardman transmitting the following  
**Statement of Issue:** The city of Huntington Beach has had an affordable housing policy with respect to requiring new residential subdivisions to provide 10% of their units for low and moderate-income households. This policy implements the housing goals spelled out in the city's certified Housing Element.

In 1993, the Planning Commission approved an Affordable Housing Ordinance that codified the policy that has been in place for 15 years. However, the ordinance was never formally adopted by the City Council.

**Recommended Action:** Motion to:

Direct staff to return to the City Council with the Affordable Housing Ordinance along with the appropriate modifications to reflect the necessary updates.

***Approved 6-0-1 (Hardy absent)***

**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 Coerper thanked Police Chief Kenneth Small for is outstanding work this evening, as well as Fire Chief Duane Olson for the Weapons of Mass Destruction Study Session.***

***Condolences from Mayor Green to the Winstein family.***

**Council/Agency Adjournment to *Monday, August 23, 2004, at 5:00 p.m., on the Lower Level, Council Chambers*, Civic Center, 2000 Main Street, Huntington Beach, California.**

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**JOAN L. FLYNN, CITY CLERK  
City of Huntington Beach  
2000 Main Street - Second Floor  
Huntington Beach, California 92648**

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