

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

Monday, February 3, 2003
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

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

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy (Sullivan arrived at 5:05 p.m., Green arrived at 5:07 p.m.)

Absent: None

(City Council/Redevelopment Agency) Study Session Held – Presentation Made by the Directors of Administrative Services, Community Services and Economic Development Departments Re: Financial Report of the Emerald Cove Senior Housing Complex Cost Benefit – Return to Council March 2003 with Proposed Recommendations (285.10)

City Administrator Ray Silver informed Council that Emerald Cove is included in the list of city owned property to be sold. City Administrator Silver stated that based on City Council direction of August 2002, staff has investigated the potential of selling Emerald Cove.

Director of Administrative Services Clay Martin stated that staff had researched a number of different issues that need to be addressed before proceeding with the suggested sale of Emerald Cove.

Real Estate Manager Amy Bodek presented a PowerPoint slide show which was submitted as a Late Communication titled *Emerald Cove Cost Benefit Analysis* regarding the financial issues facing the Emerald Cove Senior Housing complex.

Real Estate Manager Amy Bodek clarified that there is no official subsidy for this project but that the Community Services Department has used some funds for general repairs.

Mayor Boardman stated that in her opinion the rents being charged to the tenants currently are less than what the federal government standards allow for low income therefore the city is subsidizing this project.

Councilmember Cook received confirmation from staff that since this is part of the senior program it is part of the Community Services Budget.

Further discussion ensued between the Councilmembers and staff regarding 1) putting covenants in place to meet the city's affordable housing requirements; 2) the percentage of very low to low income levels; 3) to discuss with the Orange County Housing Authority regarding eligibility of tenants for Section 8 Certificates; 4) the need to verify the income of new tenant applications; 5) raising rents to federal standards for new tenants; 6) raising rents for existing tenants of ten dollars a month to keep up with the cost of inflation; and 7) how to proceed with current maintenance needs.

Real Estate Manager Amy Bodek informed Council that this item would be brought back to Council in March to present staff's recommendations for the City to get into the best position to sell without economic displacement of existing residents.

Mayor Boardman thanked the speakers for their presentations.

Motion to Recess to Closed Session – Approved

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

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

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; and Jim Engle, Director of Community Services, regarding **labor relations matters – meet and confer** with the following employee organization: **SCLEA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(Redevelopment Agency) 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 **Barbara Dieckmeyer v. the Redevelopment Agency of the City of Huntington Beach, City of Huntington Beach, et al.**; Orange County Superior Court Case No. 02CC12956. (400.50)

(City Council) Closed Session – City Council 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 **Huntington Beach City Council v. Connie Brockway, City Clerk; and Scott Baugh**; Orange County Superior Court Case No. 02CC14276. (120.80)

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

City Council- Redevelopment Agency Roll Call

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

(City Council) Announcement of City Attorney's Report of Action Taken (No Vote Reported Out) by the City Council in Closed Session on Monday February 3, 2003 (Pursuant to Government Code §54957.1(a) (2) Re: Barbara Dieckmeyer v. the Redevelopment Agency of the City of Huntington Beach, City of Huntington Beach, et al.; Orange County Superior Court Case No. 02CC12956. (.)

City Attorney Jennifer McGrath reported that on Monday, February 3, 2003 the City Council convened in Closed Session to discuss the matter of Barbara Dieckmeyer. She announced that the City Council authorized filing an appeal regarding Barbara Dieckmeyer v. the City. The City Attorney did not report out the vote.

Flag Ceremony/Pledge of Allegiance – Junior Girl Scout Troop 516, from Hope View Elementary School, Huntington Beach.

Moment of Silence Observed

Mayor Boardman asked for a "moment of silence" dedicated to the seven astronauts whose lives were lost in the shuttle mission tragedy.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Slide show presentation dated February 3, 2003 submitted by the Administrative Services Department, the Economic Development Department, and the Community Services Department titled *Emerald Cove Cost Benefit Analysis*.

Communication received February 3, 2003 from City Treasurer's Office titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December, 2002* and slide show presentation dated February 3, 2003 titled *Treasurer's Report*.

Slide show presentation received February 3, 2003 from the Economic Development Department titled *Formation of Community Facilities District No. 2003-1 (Huntington Center), City Council Meeting, February 3, 2003, D-1*, relating to the Public Hearing item.

Communication dated January 31, 2003 from Barbara J. Skinner, Legal Assistant, Best Best & Krieger LLP, enclosing the original Waiver from Huntington Center Associates, LLC, and requesting it be available for the public hearing regarding *Community Facilities District No. 2003-1 (Huntington Center)*.

Communication from Assistant City Attorney Scott Field dated February 3, 2003 transmitting a Settlement Agreement to resolve three lawsuits relative to Citizens Against Redevelopment Excess vs. City titled *Late Transmittal in Connection with Item E-14 on February 3, 2003, City Council Agenda – Approve Settlement Agreement to Resolve three lawsuits involving Abdelmuti Development Company Owner Participation Agreement (OPA)/Jack's Surfboard; Jim Lane, CIM/Huntington LLC; and Downtown Project, The Strand; Citizens Against Redevelopment Excess, etc., et al. vs. City of Huntington Beach etc., et al. (CARES I, II, and III)*.

Transmittal of a communication from William Shaeffer, Attorney, Breon, Shaeffer & Bryant from the City Administrator received by the City Clerk's office at 4:15 p.m. of draft versions of the Official Statement *Report from the October 16, 2002 Committee Meeting Regarding Procedure to Create New City Department Head Classifications* which had been received and filed by the City Council on October 16, 2002 and entered into the November 6, 2002 official Council meeting minutes. These copies of the report are draft versions that were not agreed upon by the City Administrator or City Clerk.

Communication submitted from City Attorney Jennifer McGrath received at 5:00 p.m. transmitting a legal opinion titled *City Council Meeting of February 3, 2003, Agenda Item F-1 Late Communication Regarding Payment for Private Legal Counsel*.

Communication received February 3, 2003 from the Public Works Department titled *Santa Ana River Crossings Cooperative Study, February 3, 2003, City Council Meeting*.

Presentation to Mayor Connie Boardman and Jean Nagy, President, the Huntington Beach Tree Society, by John Melvin, of the California Department of Forestry and Fire Protection/ Urban and Community Forestry Program, a check in the grant amount of \$25,280 to plant approximately 264 trees in Huntington Beach parks. The projects are expected to be finished by the end of 2004 with the help of Tree Society volunteers, citizens of our community and members of the City's Park, Tree and Landscape Division. Ms. Nagy distributed new city trees, the Western Redbud, which were donated by the Huntington Beach Tree Society. (160.40)

Presentation to Mayor Connie Boardman, Councilmember Pam Houchen and Ronald M. Russell, Chairman of the Executive Board of The P.R.I.D.E. Foundation, Inc. and Board Member Shirley Carey, presented a check in the amount of \$24,500 to Police Chief Kenneth Small to be used the Huntington Beach Police Department for the D.A.R.E. Program. Councilmember Houchen recognized the donor companies. Representatives from the donor companies were invited, which include the Kiwanis Foundation of Huntington Beach, the Robert J. Mayer Corporation; Dream Merchants, Inc. (Judith Hendler); Rainbow Disposal, South Coast Oil Corporation and the Huntington Beach Police Officers Foundation. (160.40)

Public Comments

Peter Albini spoke regarding the agenda item pertaining to the Master Plan of Arterial Highways proposed bridge crossing on Banning Avenue. Mr. Albini stated his opposition to the bridge crossing because of the effect on this neighborhood. Mr. Albini also offered a prayer due to the absence of the Invocation from the agenda.

Topper Horack spoke in favor of the agenda item pertaining to the removal of the Banning Avenue and Gisler Avenue bridge crossings from the Master Plan of Arterial Highways because of the effect on the neighborhood. Mr. Horack requested Council to adopt both resolutions pertaining to this item.

Mark Bixby Neighbors for Wintersburg Wetlands Restoration representative spoke in opposition to the introduction of Ordinance No. 3600 and urged Council to deny the recommended action. Mr. Bixby commended Council's action at the January 21, 2003 Council meeting in acting in accordance with the Brown Act. He stated that Council followed the Brown Act by denying the request to act on a non-agendized item based on an immediate need to take action regarding this ordinance.

Eileen Murphy requested that Council approve the City Clerk's item on tonight's agenda requesting payment for Legal Counsel.

Julie Bixby spoke in opposition to the proposed Ordinance No. 3600 relating to the Planning Commission meetings stating that in her opinion the ordinance as written would violate the Brown Act.

Chuck Hendsch representing the Paint Ball League spoke on behalf of the upcoming Paint Ball event. Mr. Hendsch stated that Huntington Beach is the new headquarters for the Paint Ball League and asked everyone to come to the event.

Mayor Boardman stated that paint ball is not legal but is authorized for this event.

Public Comments Resumed

Brent Weber spoke on behalf of the Huntington Beach High School Academy for Performing Arts trip to New York. Mr. Weber announced upcoming events to raise the funds needed for the students to go to New York. Mr. Weber submitted various brochures and flyers regarding the Academy for the Performing Arts Program.

Carey Huss, a fifth grade student, thanked everyone who donated to the D.A.R.E. program. Her father also thanked Council for approving this program for the next semester.

Debbie Borden offered a prayer due to the absence of the Invocation from the agenda.

Diane Adams spoke on behalf of the BB Jazz series and announced future shows whose proceeds go towards helping children afflicted with autism.

(City Council) Announcement Made by Councilmember Jill Hardy of Appointment of James ("Jim") Steinkirchner to the Investment Advisory Board (110.20)

The City Council considered a communication from Councilmember Jill Hardy which announced her individual appointment of James ("Jim") Steinkirchner to the Investment Advisory Board.

A motion was made by Hardy, second Cook to direct the City Clerk to record in the minutes the appointment by Councilmember Jill Hardy of James ("Jim") Steinkirchner to the Investment Advisory Board. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

(City Administrator's Report) Approved Amendment to the Police Department's Table of Organization – (Including the Elimination of the Police Captain Position) (700.10)

The City Council considered a communication from the Police Chief informing Council that currently, the Police Department is organized into four divisions: Administration, Investigation, Uniform and Special Operations. A police captain manages each division. On December 30, 2002 a police captain retired and that position has not yet been filled. The Chief of Police and

Police Department staff have reviewed the Police Department organization. They believe that the department can improve community service and efficiency and reduce cost by eliminating the captain's position and reorganizing the department. The estimated annual savings of not filling the captain's position is \$174,132 including salary and benefits.

Police Chief Kenneth Small presented a PowerPoint slide show titled *Huntington Beach Police Department Proposed Reorganization*, which was included in the agenda packet.

A motion was made by Houchen, second Cook to approve this amendment to the Police Department's Table of Organization, as proposed by the Chief of Police, including the elimination of the Police Captain position. The motion carried by the following roll call vote:

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

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's December 2002 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for December 2002.

City Treasurer Freidenrich gave a PowerPoint presentation titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* which was announced as a Late Communication earlier in the meeting by the City Clerk.

A motion was made by Green, second Hardy to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 2002*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Established Formation of the Huntington Center Community Facilities District No. 2003-1 (Per Resolution of Intention No. 2003-4 Adopted January 6, 2003 Re: Proposed Bonded Indebtedness) - Adopted Resolution Nos. 2003-10 through 2003-13 Inclusive: Forming and Setting Boundaries of the District; Calling for Special Election and Declaring Special Election Results (350.30)

Mayor Boardman announced that this was the time noticed for a public hearing to consider the following proposed Community Facilities District No. 2003-1 (Huntington Center) of the City of Huntington Beach, County of Orange, State of California, to incur a bonded indebtedness in an amount not to exceed \$30,000,000, per Resolution No. 2003-4, a Resolution of Intention adopted by the City Council on January 6, 2003, in the City Council Chambers at the City Hall, 2000 Main Street, City of Huntington Beach, California. Said resolution determines that it is necessary for Resolution No. 2003-4 provides in summary as follows:

1. The City Council declares that it is necessary that bonded indebtedness be incurred by and for proposed Community Facilities District No. 2003-1 (Huntington Center) of the City of Huntington Beach, County of Orange, State of California, in an aggregate principal amount not to exceed \$30,000,000 for the purpose of financing the design, acquisition, construction, equipping and furnishing of the public facilities described in Resolution No. 2003-3, the Resolution of Intention.
2. The amount of the proposed bonded indebtedness shall include all costs and estimated costs incidental to, or connected with, the accomplishment of the purposes for which the proposed bonded indebtedness is to be incurred, including, but not limited to, the estimated costs of construction and acquisition of the public facilities which are proposed to be provided for the community facilities district.
3. All parcels of taxable property within the proposed community facilities district shall be subject to the levy of special taxes to pay the principal of and interest on the aggregate principal amount of the bonds of the community facilities district which may be issued and sold to finance public facilities for the benefit of parcels of property within the community facilities district.
4. A public hearing on the proposed bonded indebtedness for said proposed community facilities district shall be held at 7:00 p.m. on February 3, 2003 in the City Council Chambers of the City of Huntington Beach, 2000 Main Street, Huntington Beach, California. Said hearing shall be conducted concurrently with the hearing on the establishment of the proposed community facilities district.

A copy of Resolution No. 2003-4 may be reviewed or obtained at the office of the City Clerk of the City of Huntington Beach, 2000 Main Street, Huntington Beach, California.

Notice is further given that at the time and place of said hearing all interested persons, including all persons owning property in the proposed community facilities district, for or against the proposed bonded indebtedness, will be heard.

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

Economic Development Director David Biggs presented PowerPoint slide show titled *Formation of Community Facilities District No. 2003-1 (Huntington Center), City Council Meeting, February 3, 2003, D-1* which had been announced earlier as a Late Communication by the City Clerk.

The City Clerk restated for the record the following Late Communications which pertain to this public hearing:

Slide show presentation received February 3, 2003 from the Economic Development Department titled *Formation of Community Facilities District No. 2003-1 (Huntington Center), City Council Meeting, February 3, 2003, D-1*, relating to the Public Hearing item.

Communication dated January 31, 2003 from Barbara J. Skinner, Legal Assistant, Best Best & Krieger LLP, enclosing the original Waiver from Huntington Center Associates, LLC, and requesting it be available for the public hearing regarding *Community Facilities District No. 2003-1 (Huntington Center)*.

Mayor Boardman made remarks to open this public hearing by reading from a script on file with the City Clerk's Office, titled *Mayor's Agenda for Public Hearings for Community Facilities District No. 2003-1 (Huntington Center) of the City of Huntington Beach, California*.

Mayor Boardman declared the public hearing open.

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

A motion was made by Houchen, second Cook to:

1. Open the public hearing, take public testimony, and close the public hearing on the formation of the Community Facilities District 2003-1 (Huntington Center);

and

2. Approve the City of Huntington Beach Community Facilities District Report No. 2003-1 (Huntington Center) (ATTACHMENT 1);

and

3. Adopt **Resolution No. 2003-10** – “A Resolution of the City Council of the City of Huntington Beach Establishing City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center) and Establishing the Boundaries thereof.” (ATTACHMENT NO. 2);

and

4. Adopt **Resolution No. 2003-11** – “A Resolution of the City Council of the City of Huntington Beach Determining the Necessity for City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center) to Incur a Bonded Indebtedness in an Aggregate Principal Amount not to Exceed \$30,000,000 for Providing Public Facilities within and for the Community Facilities District and Calling a Special Election for the Community Facilities District on a Proposition for Incurring such Bonded Indebtedness.” (ATTACHMENT NO. 3);

and

5. Adopt **Resolution No. 2003-12** – “A Resolution of the City Council of the City of Huntington Beach Calling a Special Election and Submitting to the Voters of City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center) Propositions Regarding Incurrence of Bonded Indebtedness the Annual Levy of Special Taxes within the Community Facilities District to Pay Principal of and Interest on Bonds thereof, and the Establishment of an Appropriations Limit.” (ATTACHMENT NO. 4);

(Continued on the Next Page)

**Exhibit "A" of Resolution No. 2003-12 - Official Ballot
Consolidated Special Elections for City of Huntington Beach
Community Facilities District No. 2003-1 (Huntington Center)
County of Orange, State of California**

| | |
|---|---|
| <p>PROPOSITION A*: "Shall a bonded indebtedness in an original aggregate principal amount not to exceed \$30,000,000 be incurred by and for City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center), County of Orange, State of California (the "Community Facilities District"), for a maximum term of not more than 35 years and with interest at a rate or rates not to exceed the maximum interest rate permitted by law, for the purposes of providing: (1) The types of public facilities listed in the Resolution of Formation of the District adopted February 3, 2003, and (2) The incidental expenses which will be incurred are all costs associated with the creation of the Community Facilities District, issuance of the bonds thereof, the determination of the amount of and collection of taxes, and the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District?"</p> | <p align="center">[Proposition A]</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> |
| <p>PROPOSITION B*: "Shall special taxes be levied annually on taxable property within City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center), County of Orange, State of California (the "Community Facilities District"), to pay the principal of and interest on the bonds of the Community Facilities District issued and sold to finance and refinance those purposes specified in Proposition A of this ballot, to establish and replenish the reserve fund for the bonds, or to accumulate funds for future bond payments, including any amount required by federal law to be rebated to the United States with regard to the bonds, and to pay expenses incidental thereto and to the levy and collection of the special taxes, so long as the special taxes are needed to pay the principal of and interest on the bonds and for such other purposes, together with the payment of, and the provisions of repair and replacement reserves for, maintenance of any of the publicly owned facilities financed with the proceeds of such bonds, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "A" to the Resolution of Formation adopted by the City Council of the City of Huntington Beach on February 3, 2003?"</p> | <p align="center">[Proposition B]</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> |
| <p>PROPOSITION C: "Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for City of Huntington Beach Communities Facilities District No. 2003-1 (Huntington Center), County of Orange, State of California, in the amount of \$4,000,000?"</p> | <p align="center">[Proposition B]</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> |

***Propositions A & B are subject to the accountability Measures prescribed in California State Govt. Code §53410**

The motion carried by the following roll call vote:

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

City Clerk Connie Brockway conducted a special election for the Community Facilities District on a Proposition for incurring such Bonded Indebtedness and announced the results, which was in favor of the recommended actions.

A motion was made by Hardy, second Coerper to:

Adopt **Resolution No. 2003-13** – *“A Resolution of the City Council of the City of Huntington Beach Community Facilities District No. 2003-1 (Huntington Center) County of Orange, State of California, on the Propositions with Respect to (i) Incurring Bonded Indebtedness in an Original Amount not to Exceed \$30,000,000, (ii) the Annual Levy of Special Taxes to Pay Principal and Interest on Bonds, and (iii) the Establishment of an Appropriations Limit and Authorizing the Recordation of the Notice of Special Tax Lien.”* (ATTACHMENT NO. 5)

The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Received City Clerk’s Passport Acceptance Facility Operations Report for February 2001 through December 2002 (100.30)

(City Council) Community Services Project Self-Sufficiency 2003 Action Plan (570.50)

(City Council) Plans and Specifications and Advertisement of Bids for Speer and Liberty Avenues Street Improvement Project; CC-1142 – Expenditure of Community Development Block Grant (CDBG) Funds (600.50)

Consent Calendar – Items Approved

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

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
 NOES: Boardman on Settlement Agreement - The Strand
 ABSENT: None
 ABSTAIN: (Green abstained on Portable Decontamination Unit; Houchen abstained on Settlement Agreement - The Strand; Sullivan, Coerper, Green, Hardy, and Cook abstained from the Regular (recessed) and Special meetings of November 20, 2002 minutes)

(City Council/Redevelopment Agency) Minutes – Approved and adopted the minutes of the City Council Regular (recessed from November 18, 2002) meeting of November 20, 2002; City Council Special meeting of November 20, 2002 and the City Council/ Redevelopment Agency Regular meetings of December 2, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Consent Calendar Roll Call Vote for This Agenda Item:

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

(City Council) Approved Quitclaim Deed for the Benefit of Randy J. and Deborah R. Allison for Remnant Property - Lot 3 at 407 Delaware Street in Block 404 of the "Vista Del Mar Tract, Section 2" (650.80) – Approved the *Quitclaim Deed* for that portion of Lot 3 in Block 404 of the "Vista Del Mar Tract, Section 2" as set forth in the attached legal description, and authorized the Mayor and the City Clerk to execute the Quitclaim Deed and any and all documents necessary to conclude this transaction. Submitted by the Administrative Services Director. Funding Source: Not applicable. (Also authorized any and all related, future documents to be executed.)

(City Council) Approved License Agreement between the City and Tina J. Viray and Nelson Westcott, dba the Surf City Store for Use of the Servicemark, "Surf City, Huntington Beach" (600.10) – Approved the proposed *License Agreement between the City of Huntington Beach and Viray and Wescott, DBA the Surf City Store for the Use of the Servicemark "Surf City, Huntington Beach."* Submitted by the Administrative Services Director and the Community Services Director. Funding Source: Not applicable. (The use of the servicemark by the licensee is limited to merchandise listed in the agreement.)

(City Council) Accepted Bid by Ben's Asphalt, Inc. and Awarded Construction Contracts for Warner Avenue (CC-1149) and Newland Street (CC-1157) Rehabilitation Improvements (600.50) – 1. Accepted the lowest responsive and responsible bid submitted by Ben's Asphalt, Inc. in the amount of \$1,785,630.30 for Warner Avenue and Newland Street Rehabilitation Improvements, CC-1149 & CC-1157, respectively; and 2. Authorized 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: Budgeted in OCTA (Orange County Transportation Authority) Grant fund, Warner/Newland Street Rehabilitation Improvement Accounts.

(City Council) Adopted Resolution No. 2003-9 Authorizing the Closure of First Block of Main Street and PCH to Vehicular Traffic for Certain Special (Specific) Events (800.60) **Adopted Resolution No. 2003-9** – *"A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events."* Submitted by the Community Services Director. Funding Source: Not Applicable. (March 22, 2003 – Wavecrest Beach Cruiser Meet; October 31, 2003 – Halloween Activities; and November 23 and 30, 2003 – Light a Light of Love Event.)

(City Council) Appointed Acting Fire Chief Duane Olson as Board Member and Division Chief/Operations Jacques Pelletier as Alternate to Various Orange County Joint Powers Authorities (110.20) – 1. Appointed Acting Fire Chief Duane Olson as the city's Board Member to the Orange County-City Hazardous Materials Emergency Response Joint Powers Authority and Division Chief/Operations Jacques Pelletier as the city's Alternate Board Member; and 2. Appointed Acting Fire Chief Duane Olson as Alternate Board Member to the Central Net Operations Joint Powers Authority; and 3. Appointed Acting Fire Chief Duane Olson as Alternate Board Member to the Metro Cities Fire Joint Powers Authority. Submitted by the Acting Fire Chief. Funding Source: None required.

(City Council) Approved Agreement Between the City and Huntington Beach Hospital for the Use and Storage of the City's Portable Decontamination Unit (600.10) – Approved and authorized the Mayor and City Clerk to execute the attached *Agreement between the City of Huntington Beach and the Huntington Beach Hospital for the Use and Storage of City's Decontamination Unit*. Submitted by the Acting Fire Chief. Funding Source: Funds for purchase of unit – Department of Justice, Weapons of Mass Destruction Grant. No cost for storage. No city funds required.

Consent Calendar Roll Call Vote for This Agenda Item:

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

(City Council) Reallocated Funds for Payment to Mesa Construction Projects, Inc. of Settlement Agreement for Slater Channel Improvements; CC-1089 (600.60) – Reallocated \$220,000 from General Fund Capital Improvements to pay the Settlement Agreement to settle claims for Slater Channel, CC-1089. Submitted by the Public Works Director. Funding Source: Appropriate \$220,000 from General Fund Capital Improvements, Facility Maintenance, Drainage Improvements Account to Slater Channel Improvements, Liability Account.

(City Council) Approved Revisions to Appointments List of City Boards, Commissions, and Council Committees – Removed the Public Works Commission from the List and Included Human Relations Task Force Terms and the Mobile Home Advisory Board which have 2003 Expiration Dates (Maddy Act) (110.50) - Approved the revisions to Maddy Act as follows: 1. Removed the Public Works Commission from the list as it is not commission appointed by the Council at large; and 2. Approved the inclusion on the list of the Human Relations Task Force 2003 term expirations; and 3. Approved inclusion of one Mobile Home Park resident member, two at-large members and one Mobile Home Park owner member. Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Received and Filed City Clerk's Report Listing Professional Services Agreements Filed in the City Clerk's Office between May 1, 2002 through December 31, 2002 (600.05) – Received and filed the *List of Professional Services Agreements* entered into by City Departments as submitted to the City Clerk's Office for the period May 1, 2002 through December 31, 2002. Submitted by the City Clerk. Funding Source: Not Applicable. (Report presented pursuant to City Council directed policy of November 19, 2001.

List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and submitted to the Office of the City Clerk for Period May 1, 2002 through December 31, 2002

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| AGREEMENT DATE | CONSULTANT AGREEMENT | PURPOSE | AMOUNT | EXPIRATION DATE | CATEGORY NUMBER | DEPT |
|----------------|--|--|---------------|-----------------|-----------------|-------------------------|
| 3/19/02 | Geddes, David | Psychiatric Expert Witness Services – Logan vs. City OCSC 01CC15234 | unknown | 1/1/03 | 600.10 | City Attorney |
| 4/11/02 | Jones & Mayer Attorneys | Legal Services Police, Personnel, & Labor Relations | Over \$50,000 | 4/30/05 | 600.10 | City Attorney |
| 4/23/02 | Berryman & Heniger, Inc | Update Citywide Pavement Management Plan | \$113,926 | 4/23/04 | 600.10 | Public Works |
| 6/3/02 | Hromadka & Associates | Engineer/Hydrologists – Expert Witness Services | \$74,864 | 4/30/04 | 600.10 | City Attorney |
| 3/4/91 | Lang, Lampert Architects | Three Design Alternatives for NE/Corner of PCH & Main Street | \$9,500 | unknown | 600.30 | Economic Development |
| 1/2/02 | Orange County Conservation Corps. | Litter Abatement, Park Recycling – Shipley Nature Center | \$28,822 | 6/30/02 | 600.10 | Public Works |
| 12/2/02 | Orange County Conservation Corps. | Litter Abatement, Park Recycling – Shipley Nature Center | \$31,400 | 7/31/03 | 600.10 | Public Works |
| 6/3/02 | Komex, Water Science, Inc | Grant Proposal Preparation | \$9,849 | 1/1/03 | 600.10 | Public Works |
| 6/7/02 | RRM Design Group | Architectural & Engineering Rehabilitation Services | \$63,185 | 12/31/02 | 600.10 | Public Works |
| 5/11/02 | London, Ray William Ph.D | Psychologist Expert Witness Services | \$10,000 | 3/8/03 | 600.10 | City Attorney |
| 1/4/93 | Team Design | Architectural Services | \$970 | 1/14/93 | 600.30 | Economic Development |
| 2/15/93 | Hall & Forman | Engineering & Survey Services | \$ 10,000 | 2/15/94 | 600.30 | Economic Development |
| 8/9/01 | Taylor, Norman Gregory | Mediator Services Submitted to City Clerk 7/27/02 | \$20,000 | 3/11/02 | 600.10 | City Attorney |
| 3/11/02 | Taylor, Norman Gregory | Consultation & Expert Witness Services | \$20,000 | 7/2/04 | 600.10 | City Attorney |
| 4/16/02 | Corr, Thomas P. – Law Offices | Legal Services Re: Public Utilities Commission (PUC) | \$50,000 | 12/31/04 | 600.10 | City Attorney |
| 4/11/02 | Burke, Williams, & Sorenson | On-going Legal Services | \$50,000 | 4/2005 | 600.10 | City Attorney |
| 1/10/97 | Conrad & Associates | Auditing Procedures for Multi-Family Housing & Bond Compliance | \$9,900 | 4/10/97 | 600.30 | Economic Development |
| 1/17/02 | Hart Crowser, Inc | Expert Consulting Services in Connection with (City v. HBPOA) | \$5,450 | 2/15/02 | 600.10 | City Attorney |
| 5/6/97 | Mayer, Coble, & Palmer – Submitted to City Clerk 5/22/02 – Agreement now Expired (See new Agreement Jones & Mayer dated 4/11/02) | Legal Services Police Personnel & Labor Relations | \$50,000 | 5/1/05 | 600.10 | City Attorney |
| 6/16/02 | MacPherson, Duncan | Consultant/Expert Witness (Davis v. HB) | \$10,000 | 6/2004 | 600.10 | City Attorney |
| 6/6/02 | Truesdail Laboratories, Inc. | Domestic Water Quality Analysis (2 nd Contract) | \$50,000 | 6/6/03 | 600.10 | Public Works |
| 8/28/02 | Geoscience Analytical, Inc. | Construction Environmental Oversight Bowen Court Grading | \$4,650 | 9/30/03 | 600.10 | Economic Development |
| 8/12/02: | Caporicci & Larsen, CPAs | Financial Auditing Services | \$197,125 | 9/30/06 | 600.10 | Administrative Services |
| 8/20/02 | Integrated Design Services, Inc. | Professional Structural Engineering Consulting Services for Don Kiser Municipal Corp. Yard Bldgs: C & E | \$60,600 | 6/30/03 | 600.10 | Public Works |
| 12/21/01 | Martyneec & Deering | Pension Plan Payment Tax Filing & Tax Withholding Services | \$29,985 | 9/30/02 | 600.10 | Administrative Services |
| 8/12/02 | Best, Best, & Krieger, LLP | Legal Services Re: Community Facilities District for Huntington Center Project | \$3,500 | 8/12/04 | 600.10 | Economic Development |
| 7/15/02 | CSG Consultants, Inc. | In House Plan Review Services | \$30,000 | 9/30/02 | 600.10 | Planning Department |
| 10/25/02 | EDAW, Inc. | Complete Environmental Documentation for Parkside Estates—TT15377-EIR 97-2 Study – Shea Homes Graham St – Warner Ave CUP 96-90 | \$50,000 | 10/25/04 | 600.10 | Planning Department |
| 9/04/02 | Moore Iacofano Goltsman (MIG) | Continuation of EDAW Contract – Edinger Corridor Project Consensus Building Meeting with Property Owners | \$2,140 | 10/01/02 | 600.10 | Economic Development |
| 8/27/02 | Jones, Cahl & Associates | Professional Engineering Street Improvements – 17200 Simms St (Sims) | \$2,192 | 9/30/02 | 600.10 | Public Works |
| 8/26/02 | Richard Watson & Gershon | Legal Services Mulligan v Redevelopment Agency and services | unknown | 12/31/04 | 600.30 | City Attorney |

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| 7/8/02 | J. Harvey Hyams Associates | Real Estate Appraisal Services for Single Family Residential – Mobilhomes – Housing Rehabilitation Loan Program | \$7,000 | 7/7/04 | 600.10 | Economic Development |
| 5/24/02 | Infosys Business Solutions, LLC | Design, Development Remote Care Manager System, ROGERS Senior Citizen Outreach Center Community Services Department | \$1,400 | 9/30/02 | 600.10 | Community Services |
| 10/22/02 | Robert Charles Lesser and Company, LLC | Market Consulting Services for CFD Community Facilities District – Bella Terra – \$20,000 old Huntington Center Mall | \$20,000 | 11/03 | 600.10 | Economic Development |
| 11/17/02 | EMA, Inc. | City Water System Assessment Study | \$105,000 | 06/01/03 | 600.10 | Public Works – Water Division |
| 10/22/02 | Psomas | Special Tax Consulting Services – For CFD Community Facilities District Bella Terra – Old Huntington Center Mall | \$13,580 | 11/03 | 600.10 | Economic Development |
| 11/27/02 | Richard Brady & Associates | Water Operations Yard Master Plan Update | \$89,873 | 8/1/03 | 600.10 | Public Works Department |
| 11/28/02 | R. Bruce Tepper – Law Corporation | Legal Services Regarding Mulligan V. Redevelopment Agency OCSC, Case No. 740099 | \$50,000 | 7/3/04 | 600.30 | City Attorney's Office |
| 8/8/02 | Atrilogy Solutions Group | Web Master Services – Professional Service Agreement | \$20,000 | 9/30/02 | 600.10 | City Administrator |
| 10/31/02 | Atrilogy Solutions Group | Web Master Services – Professional Service Agreement | \$80,000 | 9/30/03 | 600.10 | City Administrator |
| 9/17/02 | Strumwasser & Woocher | Legal Counsel – FAIR apportionment – Joseph Jeffrey V. City – City V. LEVER, Registrar – Initiative for March 4, 2004 Election | Under \$50,000 | 12/01/05 | 600.10 | City Attorney's Office |
| 7/08/02 | Koval, Kenneth P. | Real Estate & Mobile Home Appraisal Services | \$2,500 | 7/8/04 | 600.10 | Economic Development |
| 9/20/02 | Colantuono Levin & Rozell | Legal Counsel - Fees Taxes & Related Issues | Less than \$50,000 | 12/31/05 | 600.10 | City Attorney's Office |
| 11/12/02 | Integra Realty Resources, Inc. | Appraisal Services – Community Facilities District – Bella Terra - CFO – Formerly Huntington Center – Larry Webb | \$26,000 | 11/12/03 | 600.10 | Economic Development |

(City Council/Redevelopment Agency) Approved Settlement Agreement to Resolve Three Lawsuits Involving the Abdelmuti Development Company Owner Participation Agreement (OPA)/Jack's Surfboard; Jim Lane, CIM/Huntington LLC; and the Downtown Project, The Strand: Citizens Against Redevelopment Excess, etc., et. al vs. City of Huntington Beach, etc., et. al (CARES I, II, and III) (600.10/600.30) – 1. City Council and Redevelopment Agency Action: That the City Council and Redevelopment Agency approved and authorized the Mayor and Chairperson to sign, and the City Clerk and Agency Clerk to attest to the *Settlement Agreement and Mutual Release* by and among Abdelmuti Development Company, Citizens Against Redevelopment Excess, an unincorporated association, James and Victoria Lane, Ronald and Ann Mase, the City of Huntington Beach, the Redevelopment Agency of the City of Huntington Beach, and CIM/Huntington, LLC; and 2. Redevelopment Agency Action: That the Redevelopment Agency approved and authorized the Chairperson to sign, and Agency Clerk to attest to the *Fourth Amendment to Owner Participation Agreement* by and between the Redevelopment Agency and Abdelmuti Development Company. Submitted by the City Attorney/General Counsel and Economic Development/Deputy Executive Director. Funding Source: RDA (Redevelopment Agency) Cap Project Area/Administration City Attorney - \$100,000.

Consent Calendar Roll Call Vote for This Agenda Item:

AYES: Sullivan, Coerper, Green, Cook, Hardy; NOES: Boardman; ABSTAIN: Houchen

(City Council) Received, Reviewed and Filed City Clerk's Passport Acceptance Facility Operations Report for February 2001 through December 2002 (100.30)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to acknowledge the City Clerk's Office for showing a net profit of \$43,297.62 for the period of February 2001 to December 2002 for their passport program.

A motion was made by Sullivan, second Cook to receive and file the Passport Acceptance Facility Report showing net profit of \$43,297.62 for the period of February 2001 to December 2002, as prepared and submitted by the Office of the City Clerk.

The motion carried by the following roll call vote:

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

(City Council) Approved Community Services Project Self-Sufficiency 2003 Action Plan (570.50)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to comment that this is a wonderful program. He stated that unfortunately in his opinion, due to the current budget situation, all of the CPAB (Citizens Participation Advisory Board) Programs will be adversely affected.

A motion was made by Sullivan, second Coerper to approve the Community Services Department's Project Self-Sufficiency 2003 Action Plan.

The motion carried by the following roll call vote:

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

(City Council) Approved Plans and Specifications and Authorized Advertisement of Bids for Speer and Liberty Avenues Street Improvement Project; CC-1142 – Approved Expenditure of Community Development Block Grant (CDBG) Funds (600.50) –

Mayor Boardman requested that this agenda item be removed from the Consent Calendar to request that in the future staff should request the CPAB (Citizens Participation Advisory Board) to review on how the CDBG Unprogrammed funds are allocated.

A motion was made by Boardman, second Cook to 1. Approve the project plans and specifications and authorize the Director of Public Works to request bids for the Speer Avenue and Liberty Avenue Street Improvement Project, CC-1142; and 2. Authorize the allocation of an additional \$99,000 from Community Development Block Grant funds; and 3. Authorize the Mayor and City Clerk to execute and notarize any and all documents required to acquire interest in, and convey title to right-of-way necessary for the project.

The motion carried by the following roll call vote:

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

(City Council) Elected City Clerk's Request for Payment of Legal Costs - Denied (700.10)

The City Council considered the following communication from the City Clerk informing Council that the City Charter provides that a city official shall be represented in proceedings in which such officer has been named. The City Attorney (former City Attorney Gail Hutton) would normally have represented the elected City Clerk whose office, at the October 7, 2002 City Council meeting, was charged with violation of Huntington Beach Municipal Code S. 2.76.070 Use or Threat to Use Political Authority or Influence. As the charge was officially made by the City Administrator's Office, the City Attorney represented the City Administrator.

The staff report from the City Clerk sets forth that former City Attorney Gail Hutton represented the City Administrator. The City Attorney's Office could not at the same time, represent the City Clerk in the City Clerk's efforts to have the above charge withdrawn. There was a need for submittal to the City Council by the City Administrator's Office of an official document of retraction at the earliest possible Council meeting. This official retraction would serve to absolve the City Clerk of wrongdoing as was charged. As a result, there was a need for the City Clerk to be afforded legal counsel to negotiate on the Clerk's behalf a retraction with the City Administrator and the City Attorney's Office. The retraction wording had to be found acceptable to the City Administrator and City Attorney in order to enter a joint statement and retraction of the charges into the record at the next possible Council meeting.

The attached invoice from the legal counsel representing the City Clerk covers the period October 11, 2002 through November 18, 2002.

A review of the invoice reflects the negotiations between former City Attorney Gail Hutton, the City Attorney's staff, the City Administrator and the City Clerk's legal counsel, and numerous revisions to the retraction language before it became acceptable to the City Administrator and his legal counsel.

The City Clerk stated that the City Council had just received a Late Communication from the City Attorney's Office together with a Late Communication from the Office of the City Administrator regarding this agenda item and that she had not had time to read the contents. She informed Council that her request for the cost of legal counsel had been necessitated in order to remove the charge of violation of Huntington Beach Municipal Code S. 2.76.070, *Use or Threat to Use Political Authority or Influence* made in the public record. The City Clerk requested reimbursement for her legal costs incurred to negotiate an official retraction from the City Administrator.

The City Clerk referred to the Late Communication dated October 18, 2002 from Breon, Shaeffer & Bryant, legal counsel for the City Clerk, submitted by the City Administrator transmitting draft versions of the negotiated letter of retraction, rather than the official letter of retraction the City Administrator and the City Clerk had mutually agreed upon. She informed Council that the official letter of retraction had been Received and Filed by the City Council as part of the November 6, 2002 official City Council minutes. The City Clerk referred to the City Attorney's Late Communication, which set forth various reasons why the City should not reimburse the City Clerk's need for legal counsel. The City Clerk informed Council that she believes it was an official matter and that the City Attorney's Office served as legal counsel to the City Administrator in preparing his retraction.

Councilmember Sullivan stated that due to the fact that Council had just received the five page Late Communication submitted from the City Attorney, he had not had an opportunity to evaluate the opinion.

A motion was made by Green, second Coerper to find that the elected City Clerk was entitled to legal counsel, as was provided to the Office of the City Administrator; and authorize payment of invoices totaling \$6775 submitted by City Clerk's legal counsel for assistance to her from October 11, 2002 through November 18, 2002, to negotiate for the removal of the charge of violation of City of Huntington Beach Municipal Code S. 2.76.070 from the official city record. (The withdrawal of the charge was entered into the record of the November 6, 2002 City Council meeting minutes.)

Councilmember Cook stated her respect for both the City Clerk and City Administrator. She informed Council, in her opinion that she does not believe there is a legal basis for taxpayer's money to pay for the City Clerk's legal counsel. Councilmember Cook proposed a fundraising campaign to assist the City Clerk in paying for her legal counsel and stated she would contribute to such fund.

Councilmember Coerper received clarification from City Administrator Silver regarding the Late Communication he had submitted and the attempts to resolve this issue between himself and the City Clerk's legal counsel.

City Clerk Brockway reviewed the proceedings at the Council directed October 16, 2002 closed meeting between the City Administrator and staff, City Attorney and staff, City Clerk and her legal counsel, and Councilmembers Winchell and Cook.

Mayor Pro Tem Cathy Green stated that the City Clerk is an elected official and is held to a higher standard by answering to the people, not to the City Administrator, and stated that if a procedure is not being followed the City Clerk should bring it forward. Mayor Pro Tem Green informed Council that in her opinion the City Attorney defended the City Administrator and that the City Clerk is entitled to a defense.

Councilmember Sullivan referred to the telephone calls, which were reflected on the invoice between the City Attorney's office and the City Clerk's legal counsel. The City Attorney responded to Councilmembers Sullivan inquiry and stated that the City Attorney's office was acting on behalf of the City of Huntington Beach regarding settlement of the matter. City Attorney McGrath informed Council of the timeline of events beginning on October 7, 2002.

Considerable discussion was held between the City Councilmembers, City Clerk and City Attorney regarding issues including reasons why the October 16, 2002 meeting was not open to the public; whether or not this issue is a private matter; the City Attorney's role to represent management and not employees of the City of Huntington Beach; and results of the October 16, 2002 closed meeting defining the roles of appointed and elected officials.

Mayor Boardman restated for the record the motion that was made earlier.

The motion on the table made by Green, seconded by Coerper **failed** by the following roll call vote:

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

(City Council) Adopted Resolution No. 2003-14 Requesting OCTA to Remove Banning Avenue/19th Street and Garfield Avenue/Gisler Avenue Street Bridges from Orange County Master Plan of Arterial Highways; and Adopted Resolution No. 2003-15 Opposing City of Fountain Valley Request Regarding Garfield Avenue/Gisler Avenue Bridge – Reaffirmed the City’s Commitment to Pursue the Orange County Transportation Authority (OCTA) Master Plan of Arterial Highways (MPAH) to Delete Santa Ana River Bridge Crossings at Banning Avenue/19th Street and Garfield Avenue/Gisler Avenue (800.10)

The City Council considered a communication from the Public Works Director informing Council that the City has participated in a process to pursue the amendment of the County Master Plan of Arterial Highways to delete proposed bridge crossings at the Santa Ana River at Garfield Avenue and Banning Avenue. Recent activity on the issue, including that of the city of Fountain Valley, prompted the City Council to request consideration of a formal position on the crossings.

Transportation Manager Bob Stachelski presented a slide show titled *Santa Ana River Crossings Cooperative Study, February 3, 2003, City Council Meeting* which had been announced as a Late Communication by the City Clerk.

Mayor Connie Boardman informed Council that the City has opposed these bridges in the past. She stated that she had met with the Mayor and City Manager of Costa Mesa and that their City Council has not yet voted on this issue. She informed Council that the Orange County Transportation Authority would consider the removal from the plan of each proposed bridge if all of the cities (Huntington Beach, Costa Mesa, Fountain Valley and Newport Beach) were unanimous in support of this action. Mayor Boardman stated that in her opinion the Banning Avenue/19th Street and Garfield Avenue/Gisler Avenue bridges should be removed from the Master Plan of Arterial Highways to eliminate negative impacts on proposed projects.

A motion was made by Cook, second Green to:

1. Adopt **Resolution No. 2003-14** – “*A Resolution of the City Council of the City of Huntington Beach Asking the Orange County Transportation Authority (OCTA) to Remove the Banning Avenue/19th Street and Garfield Avenue/Gisler Avenue Bridges From the Orange County Master Plan of Arterial Highways (MPAH);*”

and

2. Adopt **Resolution No. 2003-15** – “*A Resolution of the City Council of the City of Huntington Beach Opposing the City of Fountain Valley’s Request to the Orange County Transportation Authority for Design and Environmental Analysis of the Gisler/Garfield Bridge.*”

The motion carried by the following roll call vote:

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

(City Council) Denied Adoption of Ordinance No. 3600 Amending Section 2.34.090 of the Huntington Beach Municipal Code Relating to Planning Commission Bylaws to Reduce Number of Required Planning Commission Meetings from Twice Monthly to Once Monthly (440.90)

Communication from the Planning Director informing Council that on January 21, 2003 the City Council voted to reconsider their approval of Ordinance No. 3600 which would reduce the required number of Planning Commission meetings from twice monthly to once a month. Attached for City Council consideration is Ordinance No. 3600 as revised by the City Council at the time of the first reading of the Ordinance.

Councilmember Cook thanked Planning Commissioner Ron Davis for his careful analysis of this matter.

After the City Clerk reads by title, a motion was made by Boardman, second Cook to **deny** adoption by roll call vote of **Ordinance No. 3600** - *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Section 2.34.090 Relating to Planning Commission ByLaws.”*

The motion **to deny carried** by the following roll call vote:

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

(City Council) Request From Councilmember Coerper for Adjourned Meeting (Study Session) on Resolution No. 6524 Which Adopted the City’s Code of Ethics (.)

Councilmember Coerper requested that a study session (adjourned meeting) be scheduled regarding the City Council resolution, which adopted the Code of Ethics that establishes a standard of conduct for all elected officials, officers, employees and members of advisory boards, commissions and committees of the City of Huntington Beach.

(City Council) Request from Mayor Pro Tem Green for Workshop (Adjourned Meeting) to Review Roles of Elected Officials, Appointed Officers and Staff (.)

Mayor Pro Tem Green requested Council schedule a workshop regarding procedures relative to the role of elected officials, appointed officers and staff.

(City Council) Paint Ball Tournament Announced (.)

Councilmember Houchen announced the forthcoming Paint Ball tournament.

(City Council) Invitation to Attend Jazz Concerts (.)

Mayor Boardman invited all to attend the jazz concerts. Mayor Boardman commended Ross Cranmer, Building & Safety Director and city staff for their hard work in the opening of the Hyatt Grand Resort & Spa.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Tuesday, February 18, 2003 (Due to the Presidents' Day Holiday on Monday, February 17, 2003), at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman