

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

Monday, May 5, 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  
Absent: None

**Public Comments**

**Marti Schauer** informed Council of what he considers to be unsafe and unhealthy living conditions at Beachview Mobile Home Park, which is a Closed Session Item on this evening's agenda. He stated that he is seeking the help of Steve Gullage with whom he has met. Mr. Schauer requested that the City Attorney assist with enforcing the non-compliance citations against the property that the Mobile Home Park owner has received.

**Kirk Rinella** inquired regarding an update on the Ascon Landfill. Mr. Rinella stated his concerns as to whether or not the property has been sold, liability of responsible owners, and range of costs for clean up.

**Steve Gullage**, President of Golden State Mobile Homeowners Association, spoke regarding a Closed Session Item relative to inspections of Beachview Mobile Home Park. Mr. Gullage stated that the owner has been cited for various health and safety violations which in his opinion, makes for unsafe living conditions. He voiced his concern regarding movement of homes due to land sinkage.

**(City Council) Study Session No.1 Held – Presentation Made by the Fire Department Re: Department of Toxic Substances Control (DTSC) Update on Ascon Landfill Site Located s/w Corner of Hamilton Avenue/Magnolia Street ( . )**

Acting Fire Chief Duane Olson introduced Department of Toxic Substances (DTSC) representatives Branch Chief, Tom Cota; Project Manager, Christie Chiu; and Unit Chief, Haissam Salloum.

Mr. Cota presented an update on the recent activities associated with the Ascon Landfill Site located at the southwest corner of Hamilton Avenue and Magnolia Street. He presented a PowerPoint slide show titled *Update Ascon Landfill Site*, which was included in the agenda packet.

Mr. Cota informed Council of the potential risks involved in the remedial cleanup of the site at Hamilton Avenue and Magnolia Street. He discussed the assessment of human and ecological risks including cancerous and non-cancerous hazardous effects.

Considerable discussion was held between Council and Mr. Cota regarding: 1) the number of truckloads and California Environmental Quality Act (CEQA) process to mitigate damaged streets and impact on residences along truck route; 2) removal of soil and on site treatment as the chosen alternative; 3) a proposal for a Groundwater Feasibility Study will be publicly noticed as a future activity; 4) timeline presented from PowerPoint estimated completion in approximately the year 2008; 5) truck routes will be identified after checking with Orange County Transit Authority (OCTA); 6) Environmental Impact Report (EIR) will be completed in a year after the public hearings; 7) in response to the public speaker, Mr. Rinella, Chevron-Texaco and Conoco-Phillips are in the process of escrow expected to close May 30, 2003; and 8) approximate cost for cleanup is \$75 million or more.

**(City Council) Study Session No. 2 Held – Presentation Made by the City Attorney’s Office Re: Differences Between (1) City’s Resolution No. 6524 Adopted by Council on October 4, 1993 on the Code of Ethics; (2) Huntington Beach Municipal Code Chapter 2.05 Regulating Gifts to Public Officials; and (3) State Law ( . )**

City Attorney Jennifer McGrath provided a summary of the differences between the City’s adopted Code of Ethics, Huntington Beach Municipal Code Chapter 2.05 regulating Gifts to Public Officials, and State Law.

City Attorney McGrath reported from a PowerPoint slide show titled *Local and State Regulation of Gifts to Public Officials*, which was included in the agenda packet.

Councilmember Gil Coerper informed staff that he would bring this forward at the next meeting as a Council memo for discussion as to how the Council would like to reconcile the above three types of rules governing ethics and the acceptance of gifts.

**Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Cook 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 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 **Epifania Huertero, et al. v. City of Huntington Beach, et al.**; United States District Court Case No. SA 01-1136. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: five. Subject: **Potential Litigation re Nuisance at Beachview Mobile Home Park.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its attorney regarding pending litigation. Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Claim of Connie Brockway**. (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) City Attorney's Report of Action Taken by the City Council in Closed Session on Monday, May 5, 2003 Pursuant to Government Code Section 54956.9(c) Re: Potential Litigation Regarding Nuisance at Beachview Mobile Home Park.** (120.80)

City Attorney Jennifer McGrath announced that on Monday, May 5, 2003 the City Council convened in closed session to discuss potential litigation regarding **Nuisance at Beachview Mobile Home Park**. During the meeting, City Attorney McGrath delivered to City Clerk Connie Brockway the related communication titled *(Initiate Litigation) Report of Action Taken Pursuant to Government Code Section 54957.1(a)(2); May 5, 2003, City Council Closed Session* which reflected her oral statement.

On Monday, May 5, 2003, the City Council convened in closed session to discuss whether to initiate litigation regarding the matter of **Nuisance at Beachview Mobile Home Park**.

The City Council voted to initiate litigation. The Council voted as follows: 7 Ayes; 0 Noes; 0 Abstentions.

**Flag Ceremony/Pledge of Allegiance** – Members of Golden West Swim Team, Huntington Beach.

#### **Moment of Silence Observed**

Mayor Connie Boardman requested observation of a "moment of silence" to reflect upon the issues before the Council, public and staff.

#### **The City Clerk Announced Late Communications**

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

Communication received May 1, 2003 from homeowners residing in Beachview Mobilehome Park regarding maintenance problems at Beachview Mobilehome Park Closed Session Item.

Communication from the Public Works Director regarding Cost Estimate for Grant for Safe Routes to School Project CC1210.

Communication from the Public Works Department submitting Page 5 of the *Buffer Area Maintenance Reimbursement Agreement* that was inadvertently omitted.

**The Following Additional Late Communication Was Submitted During the Meeting:**

A Late Communication was submitted by Public Works Director Robert F. Beardsley prior to Council consideration of the Consent Calendar portion of the agenda. Director Beardsley distributed the corrected Page No. 5 relative to the agreement between the City and Robert Mayer Corporation.

**Presentation** made by Mayor Connie Boardman of a commendation to Cindy Tran, a Huntington Beach resident and member of the Golden West Swim Club. At the Southern Junior Olympic Swimming Championships, Cindy set a USA National Swimming Record for girls ten years old and younger. Her time of 27.81 took nearly a second off the previous record, established before Cindy was even born in 1992. In addition to setting a national record, she placed herself on the All Time Top 25 Times List in an additional two events. She also established two Southern California Swimming records. It is safe to say that Cindy Tran is one of the best female swimmers in the country for her age and is a rising star. (160.40)

**Presentation** made to Mayor Connie Boardman and Police Chief Kenneth W. Small by Interval House of a check for \$24,000. Interval House members who were present are Sharon Wie, Christine Delabre, Jayshree Patel, Janine Limas, Inshirah Oweini, Maria Markova, and Flo Cotton. This money is from a grant that Interval House receives. They are required to share the money with Law Enforcement. Interval House and the Huntington Beach Police Department have been in partnership dealing with domestic violence victims since 1995. Interval House provides 24-hour hotlines, emergency shelter and transitional housing; individual, group and elder abuse counseling; a children's program; outreach and aftercare; a legal project; and an emergency response program. (160.40)

**Presentation** made to Mayor Connie Boardman and Director of Community Services Jim Engle by the Huntington Beach Kiwanis Club, one check in the amount of \$3,000 for the *Oi' Fishin' Hole Derby* for children with disabilities, which will be held Friday, May 9, 2003, and for the *Friday Night Funtime Dances* that are held throughout the year at Edison Community Center for young adults with developmental disabilities. Mayor Boardman gave a proclamation to the Kiwanis from the City. (160.40)

**Public Comments**

**Gail Susskind** *Stand Together in the Fight* member thanked the Council for attending the Brain Stem Tumor Awareness Fair at Lake Park, which was held on Sunday May 4, 2003.

**John Ott** representative of *Stand Together in the Fight* informed Council of the agencies which are investigating Brain Stem Tumors and his hope for public awareness of this illness. Mr. Ott voiced his concern that there may possibly be a connection between four cases of children who have been diagnosed with the tumors and the contaminated oil wells in the area of Yorktown Street.

**Cheri-Jan Olson** informed Council that her son has been diagnosed with a brain tumor. She stated that she is very concerned about the four children in the Yorktown area mentioned by previous speaker Mr. Ott having been diagnosed with the same brain type of tumor as her son.

**Tim Shields** spoke regarding the Golden West Swim Club by reading a letter written by Coach Rick Graves, recognizing Cindy Tran and all swim team members.

**Charles Poper** spoke of his opposition to what has been considered to be verbal attacks on Councilmember Cook regarding her comments relative to the Yellow Ribbon Project agenda item presented as Resolution No. 2003-26 at the last Council meeting.

**Albert Appel**, representative of *Vets for Peace*, informed Council of his support of Councilmember Cook's right to the comments she made regarding the agenda item on the Yellow Ribbon project. Mr. Appel spoke about the lack of funding in support of veterans with Gulf War Syndrome (radioactive dust).

**Debbie Borden** presented an invocation due to the absence of the Invocation from agenda.

**Diane Lenning** spoke in opposition to those who opposed President Bush's actions regarding the war with Iraq. Ms. Lenning informed Council that she is in favor of the Yellow Ribbon Project resolution that was adopted at the last Council meeting.

**Dean Albright** spoke in support of resolving the Closed Session item in favor of the Office of City Clerk. Mr. Albright spoke relative to the Yellow Ribbon resolution; that in his opinion yellow ribbons should not be attached to vehicle antennas.

**Norm Westwell** presented comments on various items on the Council agenda, including acknowledging achievements of Swim Team winner Cindy Tran and recommended a world-class aquatic facility be built in the city. Mr. Westwell stated that in his opinion proposed ordinances should be researched better in the future.

**Topper Horach** stated that in his opinion Councilmember Cook has a right to oppose the "Yellow Ribbon Project."

**Brad White** announced that he started "Yellow Ribbon Project" and clarified that the Yellow Ribbons are for the soldiers who do not have a choice but to go where sent; and spoke regarding the portions of Councilmember Cook's comments with which he disagreed. Mr. White provided his website, [YellowribbonAmerica.com](http://YellowribbonAmerica.com).

**(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's March 2003 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 March 2003.

City Treasurer Freidenrich delivered the PowerPoint presentation titled *Treasurer's Report May 5, 2003*, which was included in the agenda packet.

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 March 2003*, 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 Administrator's Report) – Announcement Re: City Treasurer Shari Freidenrich's Installment as President of California Municipal Treasurers' Association ( . )**

City Administrator Ray Silver announced and congratulated City Treasurer, Shari Freidenrich for her installment as the President of the California Municipal Treasurers' Association.

**(City Council/Redevelopment Agency) Joint Public Hearing Held - Approved the Issuance of Multifamily Housing Revenue Bonds - Approved an Amendment to the Affordable Housing Covenant for Beachview Villa Apartments (106-Unit Multifamily Rental Project Located 8102 Ellis Avenue Formerly Known as Ellis Avenue SRO (Single Room Occupancy)) – Adopted Resolution No. 2003-30 ( . )**

Mayor/Chairperson Boardman announced that this was the time noticed for a public hearing to consider approval of the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount of approximately \$8,000,000 the principal amount of which will be applied to the financing of the acquisition and construction of a 106\*-unit multifamily residential rental facility to be commonly known as the Beachview Villa Apartments (the "Project") to be located at 8102 Ellis in the City of Huntington Beach, California.

The owner of the Project will be Huntington Beach Housing Associates, L.P., a California limited partnership.

\*Publicly Noticed as 107 units.

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

Economic Development/Deputy Executive Director David Biggs presented a PowerPoint slide show titled *Beachview Villa Apartments Public Hearing for Tax-Exempt Financing and Affordable Housing Covenant Amendment*, which was included in the agenda packet.

Mayor/Chairperson Boardman declared the public hearing open.

**Bill Bernard** stated that he believes affordable housing is very important to our community and that he supports Resolution 2003-30.

**Norm Westwell** spoke in opposition to affordable housing, which he believes hinders the city's rental income market.

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

A motion was made by Green, second Cook to:

**City Council Actions:**

1. Open the public hearing, take testimony, and close the public hearing on the proposed issuance of Multifamily Housing Revenue Bonds;

and

2. Adopt **Resolution No. 2003-30** - "*Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Multifamily Housing Revenue Bonds for the Purpose of Financing the Acquisition and Construction of the Beachview Villa Apartments;*"

and

3. Approve the revised *Amended and Restated Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach, the Redevelopment Agency of the City of Huntington Beach, and Beachview Investment, Inc., and authorize the Mayor and City Clerk to sign, execute, and record the agreement.

**Redevelopment Agency Action:**

Approve the revised *Amended and Restated Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach, the Redevelopment Agency of the City of Huntington Beach, and Beachview Investment, Inc., and authorize the Chairman and Agency Clerk to sign, execute, and record the agreement.

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 – Approved the Issuance of Multifamily Housing Revenue Bonds for Hermosa Vista Apartments (Located at 15363 and 15425 Goldenwest Street at the n/w Corner of McFadden Avenue) Affordable Housing Project – Adopted Resolution No. 2003-31 ( . )**

Mayor Connie Boardman announced that this was the time noticed for a public hearing to consider approval of the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount of approximately \$9,000,000 the principal amount of which will be applied to the financing of the acquisition and rehabilitation of a 88\*-unit multifamily residential rental facility to be commonly known as the Hermosa Vista Apartments (the "Project") to be located at 15363 & 15425 Golden West Street in the City of Huntington Beach, California.

The owner of the Project will be KDF Hermosa L.P., a California limited partnership.

\*Publicly Noticed as 87 units.

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

Economic Development Director David Biggs presented a PowerPoint slide show titled *Hermosa Vista Apartments Public Hearing for the Issuance of Multifamily Housing Revenue Bonds*, which was included in the agenda packet.

Mayor Boardman declared the public hearing open.

**Norm Westwell** spoke in opposition to this item and requested that Council not adopt Resolution No. 2003-31. Mr. Westwell stated that he had the same reasons as in the first public hearing; that affordable housing is a hindrance of tax credits.

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

Councilmember Sullivan reviewed affordable housing levels on both of the public hearings and spoke regarding the median income, stating that he hoped more of these projects could be planned.

A motion was made by Sullivan, second Coerper to:

Adopt **Resolution No. 2003-31** - "*Resolution of the City Council of the City of Huntington Beach Approving the Issuance of Multifamily Housing Revenue Bonds for the Purpose of Financing the Acquisition and Construction of the Hermosa Vista Apartments*" by the California Statewide Communities Development Authority (CSCDA).

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/Redevelopment Agency) Disposition and Development Agreement (DDA) Partial Assignment – Assignment of Development Agreement – Release and Assumption Agreement (Subdivision Improvement Agreement for Tract 15549) for Waterfront Residential (Beach Boulevard/Pacific View Avenue) ( . )

(City Council) Continued from April 21, 2003 - Resolution No. 2003-25 Rescinding Resolution No. 2002-6 and Amending the Signature Delegation of Authority for the Execution of Professional Services Agreements (HBMC Chapters 3.02 & 3.03) from Department Heads to Department Positions (630.50)

(City Council) Release of Securities for Tract No. 15943 (Located n/e of Garfield Avenue and Huntington Street) – Public Improvements (Sassounian, Adams and Zuckerman, LLC) ( . )

(City Council/Redevelopment Agency) Sale Under the City's Municipal Code Surplus Property Provisions of Property at 2502 Delaware Avenue for Habitat for Humanity Housing Project (Remnant from Yorktown Widening Project) ( . )

Prior to voting on the Consent Calendar items, City Clerk Connie Brockway announced that the Director of Public Works distributed the corrected Page No. 5 relative to the agreement between the City and Robert Mayer Corporation.

### Consent Calendar – Items Approved

On motion by Hardy, second Green 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: None  
 ABSENT: None

**(City Council/Redevelopment Agency) Minutes** (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meetings of February 3, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Approved Final Tract Map No. 15964 of Tentative Tract Map No. 15964 (Peninsula Point - 13 Numbered/2 Lettered Lot Subdivision) e/s Main Street, n/o Clay Avenue at 19248 Main Street (Holly-Seacliff Specific Plan) – Approved Subdivision Agreement with Bonanni Properties & D.S. Products ( . )** 1. Approved Final Tract Map No. 15964 and accepted the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and 2. Approved the *Subdivision Agreement By and Between the City of Huntington Beach and Bonanni Properties & D. S. Products for Tract No. 15964* (A California General Partnership) and authorized execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 15964 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 15964 Conditions of Approval, as approved by the City Council. **Requirements; (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 3SM 050 080 00 (Attachment No. 7); (b) Labor and Material Bond No. 3SM 050 080 00 (Attachment No. 7); (c) Monument Bond No. 3SM 050 079 00 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable

**(City Council) Adopted Resolution Number 2003-27 Regarding Classification Plan Compensation Amendment – Survey Party Chief ( . )** - Adopted **Resolution No. 2003-27** - "A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying a Classification and Compensation in the City Classification Plan." Submitted by the Administrative Services Director. Funding Source: Funds are budgeted for fiscal year 2002/2003. (The Personnel Commission approved modification at their April 16, 2003 public hearing meeting.)

**(City Council) Adopted Resolution Number 2003-28 Approving Application for Land and Water Conservation Grant Funds for Sunset Vista Campground South Beach Improvement Project, Phase II ( . ) - Adopted Resolution No. 2003-28-***“A Resolution of the City Council of the City of Huntington Beach Approving the Application for Land and Water Conservation Funds for Sunset Vista Campground within South Beach Phase II.”* Submitted by the Community Services Director. Funding Source: Not Applicable; Council previously approved total funding for South Beach Improvements Phase II on February 18, 2003. (If grant is received, the city would be reimbursed for fifty percent of cost (projected cost \$225,000) by the Land and Water Conservation Fund.)

**(City Council) Approved Amendment to the Office of the City Clerk’s *Table of Organization* Due to Proposed Elimination of One Deputy City Clerk Position and Approved the Reallocation of One Permanent Office Assistant I Position from Part Time to Full Time Effective May 10, 2003 ( . ) -** Approved an amendment to the Office of the City Clerk’s *Table of Organization*, which would eliminate one currently vacant Deputy City Clerk position and reallocate an existing (filled) permanent Office Assistant I position from part time to full time, to be effective May 10, 2003. Submitted by the City Clerk. Funding Source: Not Applicable. (The proposed *Table of Organization* will result in an annual budget reduction.)

**(City Council) Approved Transfer Ownership of Telecommunications Equipment Located at Orange County’s Sanitation Facility to the County of Orange, from the City of Huntington Beach and Motorola (for City’s 800 MHz Radio Reception Improvements) ( . ) -** Accepted the terms of the *Agreement Regarding Acquisition of Telecommunications Equipment Between the County of Orange, Huntington Beach and Motorola* and authorized the Mayor and City Clerk to execute the agreement. Submitted by the Police Chief. Funding Source: Not Applicable.

**(City Council) Approved the Release of Securities for Tract No. 15838 located n/o Warner Avenue, e/o Plaza Lane - Accepted the Public Improvements (William Lyon Homes, Inc.) ( . )**  
**1.** Accepted the improvements constructed and dedicated for public use with Tract No. 15838; **2.** Release the Faithful Performance/Labor and Material Bond No. 3SM96018200 and Monument Bond No. 3SM96018300 pursuant to California Government Code Section No. 66499.7(b); **3.** Accepted the Guarantee and Warranty Bond No. 3SM96018200-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; **4.** Instructed the City Clerk to notify the developer, William Lyon Homes, Inc., a California Corporation, of this action and the City Treasurer to notify the Surety, **American Motorists Insurance** Company, of this action; **5.** Instructed the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

**(City Council) Approved the Release of Securities for Tract No. 15469 (Located n/o Warner Avenue, w/o Plaza Lane) – Accepted the Public Improvements (Catellus Residential Group Inc.,) ( . ) -** **1.** Accepted the improvements constructed and dedicated for public use with Tract No. 15469; **2.** Released the Faithful Performance/ Labor and Material Bond No. 929128422 and Monument Bond No. 929128423 pursuant to California Government Code Section No. 66499.7(b); **3.** Accepted the Guarantee and Warranty Bond No. 929128122; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; **4.** Instructed the City Clerk to notify the developer, Catellus Residential Group, Inc., of this action and the City Treasurer to notify the Surety, **National Fire Insurance Company of Hartford**, of this action; **5.** Instructed the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

**(City Council) Approved Project Plans and Specifications and Authorize Advertisement of Bids for Seapoint Street/Garfield Avenue Beach Outlet Storm Water Treatment Project; CC-1212 For Upper Bolsa Chica Wetlands Runoff Improvements ( . )** - Approved the project plans and specifications and authorized the Director of Public Works to request bids for Seapoint Street/Garfield Avenue Storm Water Treatment Project, CC-1212. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Storm Water Quality Fund, Storm Water Treatment, Drainage Improvements. Funded by an Integrated Waste Management (IWM) grant (\$120,000) & Orange County Urban Runoff Matching grant (\$60,983). The engineer's cost estimate is \$150,000.

**(City Council) Approved Project Plans and Specifications and Authorize the Advertisement of Bids for Safe Routes to School Improvements Within the Agnes L. Smith Elementary School; CC-1210 ( . )** - **1.** Approved the project plans and specifications and authorized the Director of Public Works to request public bids for the construction of the Safe Routes to School Improvements, CC-1210; and **2.** Approve the attached sample contract subject to award of the contract to the lowest responsible/responsive bidder. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$264,000 are budgeted in the Safe Routes to School Grant (90% or \$237,600) and Measure M (10% or \$26,400). The Engineer's estimate is \$264,000. (A list of Improvements is set forth in the Staff Report.)

**(City Council) Adopted Resolution No. 2003-29 Delegating Authority to the Public Works Director for Execution of Special Utility Easement Agreements ( . )** Adopted **Resolution No. 2003-29** - "*A Resolution of the City Council of the City of Huntington Beach Establishing the Delegation of Authority for the Execution of Special Utility Easement Agreement.*" Submitted by the Public Works Director. Funding Source: No funding is required.

**(City Council) Approved the Waterfront Residential Buffer Area Maintenance Reimbursement Agreement Between the City and Robert Mayer Corporation ( . )** **1.** Approved and authorized the Mayor and City Clerk to execute the *Buffer Area Maintenance Reimbursement Agreement*; and **2.** Authorized the City Clerk to record the *Buffer Area Maintenance Reimbursement Agreement* with the County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable. (The Developer shall reimburse the City in accordance with the annual report, in an amount not to exceed \$30,000).

In reference to this item City Clerk Brockway received and announced a Late Communication distributed to Council by the Public Works Director of a corrected Page No. 5, which is a replacement of the earlier announced Late Communication received by her office after distribution of the agenda packet.

**The Following Item was Removed from the Consent Calendar and Discussed at This Time:**

**(City Council/Redevelopment Agency) Approved a Disposition and Development Agreement (DDA) Partial Assignment – Approved Assignment of Development Agreement – Approved Release and Assumption Agreement (Subdivision Improvement Agreement for Tract 15549) for Waterfront Residential (Beach Boulevard/Pacific View Avenue) ( . )**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar in order that he can express his belief that this Redevelopment Agency Project has turned out very well. He informed Council that in his opinion this project was successfully done and that the city has two quality hotels with excellent deal points that support the city's objective for tourism. Councilmember Sullivan congratulated the Mayer Corporation.

A motion was made by Sullivan, second Cook to:

**Redevelopment Agency Actions:**

Approve a *Partial Assignment and Assumption Agreement together with Confirmation and Consent* by and among Mayer Financial, LP, PCH Beach Resort, LLC, Waterfront Hotel, LLC, PLC/Lyon Waterfront Residential LLC, William Lyon Homes, Inc., and PLC Waterfront, LLC for Waterfront residential parcel and authorized the Agency Chairperson and Agency Clerk to execute the Partial Assignment. (Attachment 1)

**City Council Actions:**

1. Approve an *Assignment of Development Agreement* between Mayer Financial, LP, PLC/Lyon Waterfront Residential LLC, William Lyon Homes, Inc., and PLC Waterfront, LLC for the Waterfront residential parcel and authorize the Mayor and City Clerk to execute the *Consent to Assignment*. (Attachment 2) and 2. Approve a *Release and Assumption Agreement (Subdivision Improvement Agreement for Tract 15549)* between Mayer Financial, LP, and PLC/Lyon Waterfront Residential LLC, William Lyon Homes, Inc., and PLC Waterfront, LLC and authorize the Mayor and City Clerk to execute the Assignment and Release. (Attachment 3)

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

**The Following Item was Removed from the Consent Calendar and Discussed at This Time:**

**(City Council) Continued to a Date Uncertain to Release Securities for Tract No. 15943 (located n/e of Garfield Avenue and Huntington Street) – Public Improvements (Sassounian, Adams and Zuckerman, LLC) ( . )**

Councilmember Cook requested that this agenda item be removed from the Consent Calendar and was informed by City Administrator Ray Silver that staff had requested removal of this item from the agenda.

**No action taken** on the recommended action to accept the improvements constructed and dedicated for public use with Tract No. 15943 and all related actions.

**The Following Item was Removed from the Consent Calendar and Discussed at This Time:**

**(City Council) Continued from April 21, 2003 - Adopted Resolution No. 2003-25 Rescinding Resolution No. 2002-6 and Amending the Signature Delegation of Authority for the Execution of Professional Services Agreements (HBMC Chapters 3.02 & 3.03) from Department Heads to Department Positions (630.50)**

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar for clarification. Principal Administrative Analyst Peter Grant responded that this resolution is to revise an existing policy.

A motion was made by Coerper, second Green to:

1. Repeal Resolution No. 2002-6; and 2. Adopt **Resolution No. 2003-25** – “A Resolution of the City Council of the City of Huntington Beach Establishing the Delegation of Authority for the Execution of Contracts from Department Heads to Departmental Positions.” (The departmental positions are listed on an attachment to the staff report in the agenda packet.) (Also see Ordinance No. 3604.)

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

**The Following Item was Removed from the Consent Calendar and Discussed at This Time:**

**(City Council/Redevelopment Agency) Directed Staff to Evaluate the Sale Price Under the City’s Municipal Code Surplus Property Provisions and Return to a Date Uncertain – Property Located at 2502 Delaware Street for Habitat for Humanity Housing Project (Remnant from Yorktown Avenue Widening Project) ( . )**

Councilmember Houchen requested that this agenda item be removed from the Consent Calendar in order that she may express her opinion that the proposed selling price of \$112,500 is below market value for the square footage.

Economic Development Director David Biggs reported in response.

A motion was made by Houchen, second Cook to return to staff for evaluation of appraised value of the parcel at 2502 Delaware Street.

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

**(City Council) Received and Filed Report on Funded and Unfunded State and Federal Legislative Mandates ( . )**

The City Council considered a communication from the Administrative Services Director informing Council that at the February 18, 2003 City Council Meeting, Councilmember Sullivan requested that staff return to City Council with a report outlining the current cost of unfunded state mandates. In order to provide a more comprehensive picture, funded state mandates and federal mandates have been included in this report.

Administrative Services Director Clay Martin presented a PowerPoint slide show titled *State and Federal Mandates*, which was included in the agenda packet.

Councilmember Sullivan spoke regarding reimbursements and the city’s position relative to mandates.

A motion was made by Sullivan, second Coerper to receive and file report on state and federal mandates. The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3603 - Amending Title 5 of the Huntington Beach Municipal Code Relating to Business Licenses and Regulations (640.10)**

After City Clerk Brockway read by title, a motion was made by Coerper, second Sullivan to adopt by roll call vote of **Ordinance No. 3603** – *“An Ordinance of the City of Huntington Beach Amending Title 5 of the Huntington Beach Municipal Code Relating to Business Licenses and Regulations.”* The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3605 - Repealing Chapter 10.88 of the Huntington Beach Municipal Code Relating to Self-Propelled Wheelchairs (640.10)**

After City Clerk Brockway read by title, a motion was made by Green, second Hardy to adopt by roll call vote of **Ordinance No. 3605** – *“An Ordinance of the City of Huntington Beach Repealing Chapter 10.88 of the Huntington Beach Municipal Code Relating to Self-Propelled Wheelchairs.”* The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance Nos. 3606, 3607, and 3608 - Amending, Adding, Deleting Various Sections of Chapters 5, 9, and 13 of the Huntington Beach Municipal Code Relating to the Beach - Pier – Beach Parking Areas – RV Camping Area – Specific Events - Parades (640.10)**

After City Clerk Brockway read by titles, a motion was made by Cook, second Hardy to adopt the following ordinances by roll call vote:

**Ordinance No. 3606** Beach Regulations – *“An Ordinance of the City of Huntington Beach Deleting Chapters 13.04, 13.12, 13.16, 13.20 and 13.24 of the Huntington Beach Municipal Code and Amending Chapter 13.08 Relating to Beach Regulations;”*

**and**

**Ordinance No. 3607** Camper Facilities – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.28 of the Huntington Beach Municipal Code Relating to Camper Facilities;”*

**and**

**Ordinance No. 3608** Specific Events – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapters 5.68 and 9.48 and Adding Chapter 13.54 Relating to Specific Events.”*

The motion carried by the following roll call vote:

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

**(City Council) Continued from May 5, 2003 – Approved Introduction of Ordinance No. 3604 - Amending Chapter 3.03 of the Huntington Beach Municipal Code Relating to Professional Services Agreements (640.10)**

After City Clerk reads by title, a motion was made by Sullivan, second Coerper to approve introduction of **Ordinance No. 3604** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Amending Section 3.03.020 Relating to Professional Services.”* The motion carried by the following roll call vote:

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

**(City Council) Approved Councilmember Pam Houchen’s Appointment as the City’s Voting Delegate for the Special General Assembly Meeting of the League of California Cities ( . )**

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue:** The League of California Cities will be holding a special General Assembly meeting in Sacramento at 1:00 PM on May 15, 2003 in conjunction with their Legislative Action Days, May 14 and 15, 2003.

They are convening the special session to discuss the May Revision of the State Budget and may need to take action on the State budget and/or other fiscal matters. They have asked that each of their member cities appoint a delegate to represent them at this meeting. They requested that we notify them no later than Friday, May 9, 2003 of the name of the city’s designee for this responsibility.

Councilmember Houchen is planning to attend the Legislative Action Days on behalf of the City. I would, therefore, request the City Council approve her appointment as the City’s delegate to the League’s Special General Assembly meeting.

A communication from the League of California Cities is included in the agenda packet.

Councilmember Sullivan initiated discussion regarding the possibility of an alternate. Council, by consensus, determined there was no need for appointment.

A motion was made by Coerper, second Hardy to appoint Councilmember Pam Houchen to serve as the delegate for the City of Huntington Beach at a special General Assembly meeting of the League of California Cities to be held in Sacramento on May 15, 2003. The motion carried by the following roll call vote:

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

**(City Council) Directed Staff to Collect from May 1 to June 2, 2003 the On-Line Public Survey Data Results Relative to the Budget ( . )**

The City Council considered a communication from Mayor Connie Boardman transmitting the following **Statement of Issue:** The budget process is moving faster this year than last. To be sure we have the compiled results of the survey in time to be useful to the Council, I would like the on-line budget survey to be available to the public from May 1 to June 2 instead of from May 1 to June 30. I had meant to bring this up when the item was discussed at our meeting on April 21, but forgot. I realize this gives the public less time to participate in the survey, but I think one month will still give interested people in the community ample time to complete the survey.

Mayor Boardman thanked Principal Administrative Analyst, Peter Grant; Web Master, Tony Porter; and Network Support, John Carpenter for the web page and for providing the website [www.surfcity-hb.org](http://www.surfcity-hb.org) to access the survey.

A motion was made by Boardman, second Green to direct staff to collect survey results from May 1, 2003, to June 2, 2003. The motion carried by the following roll call vote:

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

**(City Council) Thank You Expressed Regarding Support of Yellow Ribbon Project**

Councilmember Gil Coerper spoke regarding the Yellow Ribbon Project and its goals to display the country's hope for the safe return of service members. Councilmember Coerper expressed his opposition to negative e-mails directed at Councilmember Cook.

**(City Council) Response to Negative Mail Regarding Yellow Ribbon Comments**

Councilmember Cook stated that the negative mail had been sent from outside the city and that supportive letters and phone calls had been received from the community.

**(City Council) Young Soldier Honored with Purple Heart**

Councilmember Coerper spoke regarding his visit with Corporal Eric Moore, a young soldier who received the Purple Heart. Councilmember Coerper stated that he was very proud of Mayor Boardman for her comments during the gathering.

**(City Council) Recommended Support of AB 1221 (Steinberg/Campbell) Taxation, Local Government Funding**

Councilmember Coerper recommended support of AB 1221 which would benefit the City budget.

**(City Council) Thank You Expressed to Community Emergency Response Team (CERT)**

Mayor Pro Tem Green thanked the CERT team who worked very well presenting First Aid Training during a rainy downpour.

**(City Council) Announcement Re: Funding Needed for Fourth of July Parade**

Councilmember Houchen stated that the Fourth of July Parade Committee is in need of funds and all those contributing \$100 or more will be entered in a drawing for a chance to ride in the Parade.

**(City Council) Announcement Re: Library Volunteers Needed**

Councilmember Hardy stated that there is a need for volunteers at the Library.

**(City Council) Response to Negative Mail Regarding Yellow Ribbon Comments**

Mayor Boardman expressed her opposition to the negative email being sent to Councilmember Cook, which in her opinion is attacking her character and not her words.

**Adjournment – City Council/Redevelopment Agency**

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, May 19, 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