

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

Monday, July 19, 2004
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

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 Green 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 B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, (Houchen arrived at 5:10 p.m.)
Absent: None

Public Comments

Elmer Smith spoke concerning the mobile home park he lives in and the purchase by land developers. In his opinion, the conversion ordinance is beneficial if fair market value is included.

Jim Barker, member of Huntington Beach Mobile Home Owners Association, voiced his concerns regarding the current residents of mobile home parks. He urged Council for fair and reasonable compensation for relocation.

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

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

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

Mary Jo Baretich spoke in support of Steve Gullage's recommended conversion ordinance.

Vickie Talley distributed a copy of the City of Anaheim's conversion ordinance, which includes "in place" value. Ms. Talley cited existing state law and the Huntington Beach City Charter.

Joey Racano spoke in support of Mr. Gullage's recommended amendments for a conversion ordinance.

John McGregor informed Council of the financial burden to families if residents are forced to leave their Mobile Home Park. Mr. McGregor also informed Council that there is a blocked culvert on the East end of his park.

Kent Lucas asked Council to consider the position of mobile home park residents and to help them financially.

Patricia Petrocko spoke about her concerns regarding rent space increases. Ms. Petrocko referred to what she believes to be a negative impact of the Costa Mesa park sales.

The Following Late Communication Was Submitted During the Meeting:

Communication submitted by Vickie Talley titled *Chapter 18.92 Mobilehome Park Overlay (MHP) Zone* which is a chapter from the Anaheim Municipal Code.

(City Council/Redevelopment Agency) Study Session Held - Presentation by Councilmember Connie Boardman Regarding Mobile Home Park Conversions – City Attorney to Prepare Legal Opinion Regarding City Charter Issue – “H” Memo for Second Meeting in August, 2004 (430.60)

Council considered a communication from Councilmember Boardman.

Councilmember Connie Boardman reviewed the history of her involvement with the Mobile Home Park Conversion Ordinance.

Economic Development Assistant Project Manager Steve Holtz presented information contained in the matrix comparing seven California Mobile Home Park Conversion Ordinances. The matrix was included in the agenda packet.

There was considerable discussion amongst Council and staff regarding relocation expenses, radius, market values, depreciation values, and the City Charter.

City Attorney Jennifer McGrath agreed to prepare a legal opinion regarding the City Charter and other relevant legal issues.

Council agreed by consensus by all present, none absent to prepare an “H” memo (Council Memo) to discuss a proposed mobile home park conversion ordinance for the second meeting in August.

Motion to Recess to Closed Session – Approved

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

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

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated**. Subject: **Labor Relations – Meet & Confer**. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**City Council- Redevelopment Agency Roll Call**

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

Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Pledge of Allegiance – Led by Mayor Cathy Green

Invocation – Led by Councilmember Sullivan

Mayor Green dedicated tonight's meeting to the late Cheyanne McKean, daughter of Police Officer Scott McKean.

The City Clerk Announced Late Communications

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

A PowerPoint presentation submitted by the Economic Development Department dated July 19, 2004 titled *Sale of 214 Fifth Street July 19, 2004 Agenda Item D-1*.

Communication submitted by Weston Benshoof Rockefeller Rubalcava & MacCuish dated July 16, 2004 titled *Re: Appeal From C.U.P. No. 03-035 (Demolition and Rebuild of Existing Target Store)* in opposition.

Communication submitted by Vickie Talley titled *Chapter 18.92 Mobilehome Park Overlay (MHP) Zone*, which is a chapter from the Anaheim Municipal Code.

Communication (non-agendized) submitted by Clint Orr titled *The Ultimate Surfing Museum Alternative Building Site, Fundraising Proposal & Business Plan*.

Communication submitted by Bob Bolen titled *Merchants Against The Business Improvement District*, which is a petition in opposition to the formation of a mandatory BID.

Presentation - Mayor Cathy Green called on representatives from the Interval House including Sharon Wie, Director of Programs who presented a check for \$29,167 to Police Chief Kenneth Small. Chief Small gave an overview of the Interval House Program. (160.40)

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

Presentation - Mayor Cathy Green called on Art Center Director Kate Hoffman who introduced the Center's newest exhibit by Paul Frank and "Art at the Beach" summer camp. A volunteer and two summer camp participants presented Council Members with T-shirts. (160.40)

Mayor's Award - Mayor Cathy Green was joined by City Attorney Jennifer McGrath and City Administrator Penelope Culbreth-Graft who presented the Mayor's award to Office Assistant Jean Sharpe for her many years of dedicated service, her outstanding work ethic & reliability, and her personal touch in recognizing the special events of her co-workers. (160.40)

Announcement

Mayor Cathy Green announced Verizon's Fiber To The Premises Project and the City of Huntington Beach's status as the first California city to receive this technology.

Public Comments

Bob Bolen spoke in opposition to a mandatory Business Improvement District for Downtown. Mr. Bolen submitted a Late Communication, which was announced earlier by the City Clerk, of a petition signed by local merchants in opposition.

Clint Orr spoke in opposition to relocating the Surfing Museum permanently within Pacific City and about a possible alternative location. Mr. Orr submitted a communication outlining a fundraising proposal and business plan for a site at 120 Pacific Coast Highway.

Roy Richardson, volunteer Administration Hearing Officer for the City, informed Council that he is aware of no citations issued in the condominium conversions matter. Mr. Richardson stated his belief that the original owners should be responsible for the fee, and that the Grand Jury should investigate.

Clem Dominguez requested Council to give a variance to the citizens who purchased condominium conversions. Mr. Dominguez stated concern about how this is presented in the future.

Mike Adams, representing Stewart Title, gave recommendations regarding amendments to the proposed Condominium Conversion Ordinance.

Susan Worthy spoke in opposition to the mandatory fee associated with the proposed Downtown Business Improvement District.

Carolyn Dick requested Council consideration of fair market value regarding the sale of mobile homes.

Steve Stafford spoke regarding what he considers serious health and safety violations in his gated community.

Peter Albini gave his opinion that the fines relating to condominium conversions should be charged to the original owners and the title companies involved. Mr. Albini also inquired about the repaving project on Warner Avenue.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's May 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for May 2004.

City Treasurer Freidenrich gave a PowerPoint presentation titled *May Treasurer's Report* which was included in the agenda packet.

A motion was made by Boardman, second Hardy to review and accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for May 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None (Coerper out of the room)

The Mayor Recessed the City Council/Redevelopment Agency Meetings and Convened the Civic Improvement Corporation Meeting.

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

President Green called the annual meeting of the Huntington Beach Civic Improvement Corporation to order.

Civic Improvement Corporation Roll Call

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

Absent: None

Election of Officers

A motion was made by Boardman, second Sullivan to approve the election of Mayor Cathy Green – President, Mayor Pro Tem Jill Hardy – Vice President, and City Clerk Joan L. Flynn – Secretary. The motion carried by the following roll call vote:

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

NOES None

ABSENT None

(Civic Improvement Corporation) Approved and Adopted Minutes

A motion was made by Cook, second Coerper to approve and adopt the minutes of the regular meeting held July 7, 2003 as written and on file in the Secretary's Office. The motion carried by the following roll call vote:

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

NOES None

ABSENT None

Adjournment

By consensus of all present, none absent, the Annual Meeting of the Huntington Beach Civic Improvement Corporation was adjourned.

Mayor Cathy Green Reconvened the City Council/Redevelopment Agency Meetings.**(City Council/Redevelopment Agency) Joint Public Hearing Held to Consider Sale to Robert Koury, of Agency Owned Property Located at 214 Fifth Street (Huntington Beach Redevelopment Project Main-Pier Sub-Area) - Adopted Resolution No. 2004-53 and Agency Resolution No. 349 (650.70)**

Mayor Green announced that this was the time noticed for an administrative public hearing to consider sale to Robert Koury of Agency-owned property located at 214 Fifth Street (Huntington Beach Redevelopment Project Main Pier Sub-Area).

Council considered a communication from the Economic Development Director/Deputy Executive Director David Biggs and Administrative Services Director Clay Martin.

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

Director David Biggs gave a PowerPoint presentation titled *Sale of 214 Fifth Street July 19, 2004 Agenda Item D-1* detailing the events preceding this public hearing, which was announced earlier as a Late Communication by City Clerk Joan L. Flynn.

Mayor Green declared the public hearing open.

City Clerk Joan L. Flynn announced the late communication relating to this hearing is available for viewing at the City Clerk's Office.

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

Council discussion ensued relating to the proceeds of the sale and the types of projects that could receive funding from these proceeds.

A motion was made by Houchen, second Cook to:

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

Adopt Agency **Resolution No. 2004-349** entitled "A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Sale of Property Located Within the Huntington Beach Redevelopment Project Area." The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Deny Appeal Filed by Charles G. Ball - Approve as Amended the Planning Commission's Approval of Application (Consistent with the General Plan) Filed by John Warren of Conditional Use Permit No. 03-35 (Target Department Store Demolition and Rebuild) Located at 9882 Adams Avenue (s/w Corner of Brookhurst Street and Adams Avenue) (420.40)

Appellant: Charles G. Ball, Business Properties Development Company

Applicant: John Warren, Pacific Land Services

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

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

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

Mayor Green announced that this was the time noticed for a public hearing to consider the appeal filed by Charles G. Ball of the Planning Commission's approval of application filed by John Warren of Conditional Use Permit No. 03-35.

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

Associate Planner Paul DaVeiga presented a PowerPoint report titled *Target Appeal 9882 Adams Avenue – Appeal of CUP No. 03-35 Applicant: John Warren, Appellant: Charles Ball July 19, 2004*, which was included in the agenda packet.

Mayor Green declared the public hearing open.

Charles Ball spoke regarding his opinion that the appeal was filed in a timely manner. He disagreed with the mitigation measures and believes the traffic study is flawed. Mr. Ball stated his opinion that a traffic signal is necessary on both Adams Avenue and Brookhurst Street.

Jeffrey Oderman, attorney for the appellant, informed Council of his support of conditioning the CUP (Conditional Use Permit) for an additional traffic signal for the safety and welfare of the citizens.

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

City Clerk Joan L. Flynn announced the late communication pertaining to this hearing.

Ed Casey, attorney for the applicant, referred to the Late Communication submitted to Council stating various reasons why the appeal should be denied.

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

Robert Kahn informed council he prepared the traffic impact study for Target and reviewed the reasons for his opinion. Mr. Kahn asserted his opinion that there would be no major change in travel patterns resulting from the project remodel.

James Kawamura, traffic engineer for the appellant, presented technical information in rebuttal to the traffic impact study referred to by the previous speaker.

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.

Discussion ensued amongst Council, staff, and speakers regarding the design style of the project, the traffic pattern changes caused by new traffic signals, the value of compact parking spaces, and opinions on which business is the major source of traffic in the vicinity of Brookhurst Street near Adams Avenue.

A motion was made by Cook, second Boardman to **deny** the appeal filed by Charles G. Ball and to approve the application filed by John Warren of Conditional Use Permit No. 03-35 as **amended** to reduce parking spaces by twelve, to decrease the number of compact spaces to the greatest extent possible, and to locate the compact spaces in a remote location as possible. The motion carried by the following roll call vote:

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

Consent Calendar – Items Removed for Separate Discussion

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

(Redevelopment Agency) Fifth Implementation Agreement of the Disposition and Development Agreement (DDA) between the Redevelopment Agency and CIM/Huntington LLC for Blocks 104/105 (The Strand) (Main-Pier Redevelopment Sub-area)

(City Council) Agreement between the City and Willdan for Development Processing Services Primarily Required to Process the Verizon Fiber-Optic Installation and The Strand Development

(City Council) Resolution of Intention No. 2004-56 to Establish the Huntington Beach Downtown Business Improvement District, Levy an Annual Assessment for Fiscal Year 2004-2005 – Public Hearing for August 16, 2004

(City Council) Huntington Beach Hotel/Motel Business Improvement District (BID) 2003-2004 Fiscal Year Annual Report - Resolution of Intention No. 2004-57 to Levy an Annual Assessment for Fiscal Year 2004-2005 - Public Hearing for August 16, 2004

Consent Calendar – Items Approved

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

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

(City Council/Redevelopment Agency) Minutes (120.65) – Approved and adopted the minutes of the City Council/Redevelopment Agency Adjourned Regular Meetings of May 24, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved Boeing Sewage Pump Station No. 12 Maintenance, Replacement and Operation Reimbursement Agreement Between McDonnell Douglas Corporation, the City of Huntington Beach, and Burke Huntington Beach LLC (Bolsa Chica Station Located at 14700 Bolsa Chica Street and Skylab West Maintenance) (600.10) – Approved and authorized the Mayor and City Clerk to execute the *Agreement (Sewage Pump Station No. 12, Bolsa Chica Station, Bolsa Chica Street and Skylab West Maintenance, Replacement and Operation Reimbursement)*. Submitted by the Public Works Director. Funding Source: Not applicable for the agreement. Funds will be deposited annually into a separate fund to comply with terms of the agreement.

(City Council) Approved Reimbursement Public Works Agreement Between the City of Huntington Beach and Verizon, Inc. for Costs Incurred for the Fiber to the Premises (FTTP) Project (600.10) – Approved and authorized the Mayor and City Clerk to execute the *Reimbursement - Public Works- Agreement Between the City of Huntington Beach and Verizon, Inc. for Costs Incurred for Fiber to the Premises Project*. Submitted by the Public Works Director. Funding Source: No net cost to the City. An initial deposit amount of \$120,000 will be invoiced against and replenished at established intervals.

(City Council) Approved Appointment of Dan Moss as a Member-at-Large and Reappointments of Dr. Allan Pogrund, Brian E. Rechsteiner, and Susie Jones to the Community Services Commission for Terms from July 1, 2004 to Expire June 30, 2008 (110.20) – **1.** Appointed Dan Moss to a member-at-large opening on the Community Services Commission for a four-year term. The term will be from July 1, 2004 through June 30, 2008; and **2.** Reappointed the following Community Services Commission members: Dr. Allan Pogrund, Ocean View School District representative; Brian E. Rechsteiner, Huntington Beach City School District representative; and Susie Jones, Fountain Valley School District representative. The term for these reappointments will be from July 1, 2004 through June 30, 2008. Submitted by Mayor Cathy Green and Councilmember Dave Sullivan, Liaisons to the Community Services Commission. Funding Source: Not applicable.

(City Council) Approved Acceptance of Securities (Faithful Performance/Labor and Material Bond, and Monument Bond) and Released the Cash Bond for Lowe's Home Improvement Warehouse (420.70) – **1.** Accepted Faithful Performance/Labor and Material Bond No. 104313421, and Monument Bond No. 104313422, the securities furnished for installation of the required public improvements, and instructed the City Clerk to file the bonds with the City Treasurer; and **2.** Released the Cash Bond No. T21921 and instructed the City Treasurer to issue a refund in the amount of \$1,323,750 to Lowe's Home Improvement Warehouse, Inc. Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council) Approved Final Tract Map No. 16438 of Tentative Tract Map No. 16438 (Seaside Terrace 10 Numbered/1 Lettered Lot Subdivision) w/s Lochlea Lane at Lomond Drive at 21341 Locklea Lane – Approved Subdivision Agreement with Bonanni Properties and D. S. Products, a California General Partnership (420.60) 1. Approved Final Tract Map No. 16438 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 and D. S. Products for Tract No. 16438* 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. 16438 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16438 Conditions of Approval, as approved by the Planning Commission. **Requirements; (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 41006655 (Attachment No. 7); (b) Labor and Material Bond No. 41006655 (Attachment No. 7); (c) Monument Bond No. 41006652 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved License Agreement between the City and J. M. Hollister, LLC for Video Authorization to Provide Live Feed to Their Clothing and Apparel Stores from the Huntington Beach Pier (600.10) – Approved the *License Agreement* between the City of Huntington Beach and J. M. Hollister, LLC (a Virginia limited liability company), Hollister Ohio, LLC (an Ohio limited liability company) and Hollister California, LLC (an Ohio limited liability company) to provide live video feed to its stores from the Huntington Beach Pier and authorized the Mayor and City Clerk to execute said agreement. Submitted by the Assistant City Administrator, Community Services Director and Administrative Services Director. Funding Source: Not applicable. The city will receive \$5,000 per month for the license agreement, for a total of \$300,000 for the five year base term.

(City Council) Approved Equipment Lease Purchase Agreement with Oshkosh Capital for Two Pierce Fire Engines (600.10) – 1. Approved and authorized the Director of Administrative Services, per Municipal Code Section 3.02.060, to enter into the *Master Lease - Purchase Agreement* with Oshkosh Capital for two Pierce fire engines. The total amount of \$874,249.70 will come from the FireMed Fund; the maximum term of the agreement is not to exceed five years; and 2. Authorized the Fire Chief to execute all ancillary documents on behalf of the City, without further approval of City Council required, in substantially the same form as the attached documents. Submitted by the Fire Chief. Funding Source: Funding will be from the FireMed Fund for a total amount of \$874,249.70. If the proposed lease/purchase is approved, this amount will be paid in annual payments of \$174,849.94 over a five-year period beginning in Fiscal Year 2004-2005. The FireMed budgets for Fiscal Year 2003-2004 and Fiscal Year 2004-2005 each include \$207,204 for lease/purchase of Fire Department apparatus.

(City Council) Adopted Resolution No. 2004-54 Establishing Annual Tax Proceeds - Gann Appropriation Limit for Fiscal Year 2004-2005 (340.90) – Adopted **Resolution No. 2004-54** – “A Resolution of the City Council of the City of Huntington Beach Establishing the *Appropriation Limit for Fiscal Year 2004/2005*” of \$481,131,170. Submitted by the Administrative Services Director. Funding Source: Not applicable.

(Redevelopment Agency) Approved Reimbursement Agreement Between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington LLC for Costs Incurred in the Formation of the Project Known as The Strand (600.30) – 1.

Approved the *Reimbursement Agreement Between the Redevelopment Agency of the City of Huntington Beach and CIM/Huntington, LLC for Costs Incurred for Professional Services for the Project Known as the Strand* for costs relating to the formation of the Community Facilities District and authorized the Chairperson and Agency Clerk to sign the agreement.; and 2. Authorized the acceptance of \$51,250 deposit funds from CIM/Huntington, LLC into revenue account and appropriated \$51,250 from the Redevelopment Fund unappropriated fund balance into account for expenses associated with Professional Services Contracts pertaining to the reimbursement agreement, and authorized the reimbursement to CIM/Huntington, LLC any unspent deposit funds after the termination of the consultant's contracts; and 3. Authorized the Deputy Executive Director to enter into the Professional Services Contracts funded through the Reimbursement Agreement with CIM/Huntington, LLC. Submitted by the Deputy Executive Director. Funding Source: Redevelopment Fund unappropriated fund balance. An equal amount of revenue will be deposited into the Redevelopment Fund. In essence there will not be an impact on the Redevelopment Fund. (See Agenda Item Nos. E-4. and E-8.)

(City Council) Approved Huntington Beach Auto Dealers Business Improvement District (BID) 2003-2004 Annual Report - Adopted Resolution of Intention No. 2004-55 to Levy an Annual Assessment for Fiscal Year 2004-2005 - Scheduled Public Hearing for August 16, 2004 (460.30) – 1.

Approved the Huntington Beach Auto Dealers Business Improvement District Annual Report for Fiscal Year 2003-2004; 2. Adopted City Council **Resolution No. 2004-55** – “A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Levy an Annual Assessment for Fiscal Year 2004-2005 to Fund Improvements Within the Huntington Beach Auto Dealers Business Improvement District;” and 3. Directed the City Clerk to schedule a public hearing to be held on August 16, 2004, and send copies of the Resolution of Intention, BID Boundary Map, and assessment formula to each business to be assessed. Submitted by the Economic Development Director. Funding Source: Not applicable.

(Redevelopment Agency) Approved the Fifth Implementation Agreement of the Disposition and Development Agreement (DDA) between the Redevelopment Agency and CIM/Huntington LLC for Blocks 104/105 (The Strand) (Main-Pier Redevelopment Sub-area) (600.30)

Agency Member Boardman requested that this agenda item be removed from the Consent Calendar to seek clarification of the need for implementation of said agreement. Deputy Executive Director David Biggs responded to her questions.

A motion was made by Boardman, second Green to approve *the Fifth Implementation Agreement to Disposition and Development Agreement by and Between Redevelopment Agency of the City of Huntington Beach, Agency and CIM/Huntington LLC Developer* and authorize the Chairperson and Agency Clerk to execute. The motion carried by the following roll call vote:

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

(City Council) Appropriated Funds and Approved Agreement between the City and Willdan for Development Processing Services Primarily Required to Process the Verizon Fiber-Optic Installation and The Strand Development (600.10)

Councilmember Coerper requested that this agenda item be removed from the consent calendar to receive clarification on the funding source and the project's physical street impacts such as Bushard Street. Public Works Director Robert F. Beardsley replied to these questions.

A motion was made by Coerper, second Sullivan to: **1.** Appropriate funds in the amount of \$150,000 from the undesignated General Fund balance to Public Works Development Services; **and 2.** Authorize the expenditure of an additional \$270,000 for professional services from Business Unit account; **and 3.** Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract Between the City of Huntington Beach and Willdan for Development Processing Services*. The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution of Intention No. 2004-56 to Establish the Huntington Beach Downtown Business Improvement District, Levy an Annual Assessment for Fiscal Year 2004-2005 – Scheduled Public Hearing for August 16, 2004 (460.30)

Councilmember Boardman requested that this item be removed from the consent calendar to receive clarification on the survey and the Public Hearing protest process including ballots and Council's role in the decision to establish the BID (Business Improvement District). Other councilmembers inquired about the frequency of proposed dues and what types of projects would be funded by the dues. Economic Development Director David Biggs responded to these questions.

A motion was made by Boardman, second Cook to adopt **Resolution No. 2004-56** – “A *Resolution of the City Council of the City of Huntington Beach Declaring the City's Intention to Create and Establish the “Huntington Beach Downtown Business Improvement District” for the Benefit of all Businesses Located Within the Downtown Business District, and set a Public Hearing Date of August 16, 2004 to Formally Establish said Business Improvement District and Levy Assessments.*” The motion carried by the following roll call vote:

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

(City Council) Approved Huntington Beach Hotel/Motel Business Improvement District (BID) 2003-2004 Fiscal Year Annual Report - Adopted Resolution of Intention No. 2004-57 to Levy an Annual Assessment for Fiscal Year 2004-2005 - Scheduled Public Hearing for August 16, 2004 (460.30)

Mayor Pro Tem Hardy requested that this item be removed from the consent calendar.

A motion was made by Hardy, second Sullivan to: **1.** Approve the Huntington Beach Hotel/Motel Business Improvement District Annual Report for Fiscal Year 2003-2004 **and** **2.** Adopt City Council Resolution No. 2004-57 – “*A Resolution of the City Council of the City of Huntington Beach Declaring the City’s Intention to Levy an Annual Assessment for Fiscal Year 2004-2005 Within the Huntington Beach Hotel/Motel Business Improvement District;*” **and** **3.** Direct the City Clerk to schedule a public hearing to be held on August 16, 2004, and send copies of the Resolution of Intention and assessment formula to each business to be assessed. approve the recommended action. The motion carried by the following roll call vote:

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

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

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

Mayor Pro Tem Hardy presented an oral report.

Mayor Green stated her opposition to supporting SB 18 (06/28/04) (Burton) Traditional Tribal Cultural – Local Land Use.

A motion was made by Boardman, second Coerper to:

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

and

OPPOSE AB 1324 (06/01/04) (Steinberg) – Workers’ Compensation – Infectious Diseases

and

SUPPORT SB 18 (06/28/04) (Burton) Traditional Tribal Cultural – Local Land Use

and

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

The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction as Amended Regarding Compliance With Zoning Provision Section 235.08 – Insert Date of June 1, 2004 Ordinance No. 3657 Amending Huntington Beach Zoning and Subdivision Chapter 235 (Condominium Conversions) (450.20)

Councilmember Cook inquired about the advantages of attaching a date certain to the amended ordinance. City Attorney Jennifer McGrath suggested attaching a date of June 1, 2004.

Council discussion followed regarding the objective of the amendments and notification of affected parties.

After the City Clerk read by title, a motion was made by Cook, second Boardman to approve introduction **as amended of Ordinance No. 3657** – *“An Ordinance of the City of Huntington Beach Amending Chapter 235 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Residential Condominium Conversions.”*. The motion carried by the following roll call vote:

- AYES: Sullivan, Hardy, Green, Boardman, Cook
- NOES: Coerper
- ABSENT: Houchen

Council Comments - (Not Agendized)

(City Council) Councilmember Boardman Announced Not Seeking Re-election (120.85)

Councilmember Connie Boardman announced that she would not be seeking re-election. She asked her supporters to support Councilmember Debbie Cook.

Adjournment – City Council/Redevelopment Agency

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, August 2, 2004, 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