

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

Tuesday, September 2, 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.

***Staff commenced the Slide Presentation prior to quorum of City Council. A quorum of Council was present at 5:15 pm.***

**Call to Order**

***The Council Meeting was called to order and roll call taken at 5:15 P.M.***

Councilmember Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:15 p.m. in Room B8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Coerper, Cook, Houchen, Hardy (Sullivan arrived 5:15 p.m.; Houchen arrived 5:17 p.m.)

Absent: Green, Boardman

**(City Council/Redevelopment Agency) Study Session Held – Presentation Made by the Economic Development Department Re: Redevelopment Agency Financial Issues (310.30)**

City Administrator Ray Silver presented a brief oral report and introduced Economic Development/Deputy Executive Director David Biggs, who provided background information. Staff, commenced with the Power Point Report at 5:05 p.m. before the meeting began (no quorum) The PowerPoint presentation was titled *Redevelopment Agency Financial Issues*, which was included in the Agenda packet.

City Administrator Silver announced that Dan Villella, Finance Officer from the Administrative Services Department, was also present to report and to answer Council questions.

Director Biggs presented an update on the current status of Redevelopment Agency financial issues, addressed outstanding debt and financial history, and outlined issues and policy questions to seek general direction from City the Council/ Redevelopment Agency members.

Councilmember Sullivan inquired regarding the auditor's decision relative to public debt. Finance Director Villella responded that collection is unlikely in the foreseeable future.

Discussion was held on several Redevelopment Agency Projects, including the Hyatt Regency, The Strand, Huntington Center Mall, and the Waterfront Hilton.

Councilmember Coerper referred to the communication provided in the agenda packet, which is similarly titled as the PowerPoint presentation, *Redevelopment Agency Financial Issues*.

Councilmember Coerper inquired regarding portions of said communication: Tab 2, relative to a memorandum addressing Policy Issues; Tab 3, on Cash Flow; Tab 4, Long Term Debt Analysis; and Tab 5, Ocean View Estates.

Council reviewed the information contained on the PowerPoint slides corresponding to the afore-mentioned items.

Councilmember Houchen asked for the balance remaining on the Assembly Bill 1290 debt with regard to Long Term Debt Issues.

Councilmember Sullivan inquired regarding the \$850 million cap on the tax increment.

Director Biggs responded that this is an accumulation of the caps of the five Redevelopment subareas, reset in 1982 when each was adopted in the Redevelopment Plan.

City Administrator Silver informed Council of proposed future study sessions scheduled to optimize time spent on debt issues; that this meeting is the first of a series. Mr. Silver stated that the goal is to clarify issues, formulate questions, and discuss and seek future Council direction.

Councilmember Cook expressed her belief of an improved Redevelopment Agency under the current direction of Executive Deputy Director Biggs.

Council thanked staff for the presentation.

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

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

AYES: Sullivan, Coerper, Cook, Houchen, Hardy

NOES: None

ABSENT: Green, Boardman

**(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 **James Poe v. City of Huntington Beach**, WCAB Case No. ANA 0360912; Claim No. COHB-02-0003. Subject: **James Poe V. City of Huntington Beach** (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 agency is a party. The title of the litigation is **Mulligan v. Redevelopment Agency**; Orange County Superior Court Case No. 740099; Court of Appeal No. G028980. Subject: **Mulligan v. Redevelopment Agency** (400.50)

**City Council) Closed Session** - Pursuant to Government Code Section 54956.9(b)(3)(B). (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.) Southern California Water Company has notified the city it intends to purchase or condemn an easement in order to provide water service to Bolsa Chica Mesa. Subject: **Potential Eminent Domain Action by Southern California Water Company against City of Huntington Beach.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; and Seven 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.** (120.80)

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

#### **City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Cook, Houchen, Hardy (Boardman arrived at 7:45 p.m)  
Absent: Green

**Pledge of Allegiance** - Led by Councilmember Jill Hardy.

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

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

Communication from Jeff Rulon, PLC Land Company in opposition to Agenda Item C-1a.

Communication from the City Attorney dated August 29, 2003 titled *Late Communication Regarding Resolution Nos. 2003-63 and 2003-65 Item D-1; City Council Open Session September 2, 2003* requesting amendments to Resolutions regarding fees.

Communication from Greg S. Arbues, Chairman of the Project Self-Sufficiency (PSS) Foundation received in the City Clerk's Office on September 2, 2003 and titled *Project Self-Sufficiency* in support of funding for the PSS Program Coordinator to meet the \$11,000 shortfall for Fiscal Year 2003-04.

#### **The Following Additional Late Communication was Submitted During the Meeting**

Communication from Dr. Ralph Bauer titled *Ralph Comments – City Council Meeting 9/2/03.*

**Presentation** - Councilmember Jill Hardy will conduct the ceremony to swear in Marine Safety Chief Kyle Lindo. (160.40)

**Presentation** - Councilmember Jill Hardy to present a commendation to Police Officers Pilot Jack Paholski and Police Officer Pilot Brandon Reed for being named "Air Crew of the Year" by the National Airborne Law Enforcement Association. (160.40)

### **Public Comments**

**Dale Dunn**, representative of Council on Aging, presented \$18,000 check to city to pay one year's salary for a part-time social worker. Mr. Dunn invited all to participate in the Senior Saturday Community Festival to be held at Pier Plaza on Saturday, September 13, 2003 from 9:00 a.m. to 2:00 p.m.

**Laura Kile, Marianne Johnson, Barry Johnson, Michelle Noordman, and Joey Racano** were speakers who requested that the wetlands surrounding Cabrillo Mobilehome Park remain as currently zoned and not be rezoned per the Mills Land and Water Company application. These speakers informed Council that the mobile home park is also known as "Cabrillo Wetlands Village at Big Shell." Several also spoke in opposition to the AES Huntington Beach power generating plant and the proposed Poseidon desalination plant.

**Clutch Kile** informed Council of wastewater off the coast, which he believes when ingested to be the cause of throat infections.

**Ralph Bauer**, past Mayor and Councilmember, reported on recent article re: the Colorado River in relation to how the MWD (Metropolitan Water District) draws from the lower Colorado. Dr. Bauer spoke regarding MTBE contaminants in water and effects on fetuses and thyroid and presented a copy of the article and his comments.

**Dean Albright** requested that high-salaried desk positions in the city be reduced, in order to retain double the number of electricians, as they should work in pairs for safety reasons.

**Patricia Seitz**, Representative of the Project Self-Sufficiency (PSS) Foundation stated her organization's intent to donate \$11,000 toward the PSS Coordinator, Susan Edwards's salary, to be delivered by September 30, 2003. Ms. Seitz read from the Late Communication announced earlier by the City Clerk, in which Greg S. Arbues, Chairman of the Project Self-Sufficiency (PSS) Foundation, sets forth that proceeds are to come from joint fundraising events to take place.

**Nancy Agostini** requested that the City cease negotiations with Mills Land Water Company relative to property that should serve as affordable housing.

**Mary Jo Baretich** spoke in opposition to contaminants she stated as caused by the AES Power Plant. Ms. Baretich also requested that the NESI/Ascon Toxic Waste site be prioritized, as funds are now available.

**Fred Tinker** requested assistance with obtaining a permit to construct a retaining wall relative to revisions to Conditions of Approval of Tract Map 15690.

**(City Council) Approved Removal of City Owned Surplus Parcel of Land (Located Next to Irby Park) from List of Parcels for Possible Sale for the Purpose of Pursuing Grant Funding for the Treatment of Urban Run Off from the Wintersburg Channel (650.70)**

The City Council considered a communication from Mayor Connie Boardman, on behalf of the Economic Development Committee transmitting the following **Statement of Issue**: On July 14, 2003, the Council's Economic Development Committee reviewed information regarding the development potential of parcel of city-owned property adjacent to Irby Park. This item was presented by the Public Works Department in response to a local developer's interest in developing part of the site for housing and using a portion of the site to treat run off from the neighborhood.

Previously, on August 27, 2001, the City Council had provided direction to staff regarding the sale of excess city and Redevelopment Agency owned parcels. At that time, the surplus portion of the Irby Park site was listed as a property to remain in the city's inventory and reserved for a possible Public Works project like the urban runoff natural treatment system. However, it was noted at the time that these second tier parcels might be reviewed again for possible sale in the future.

Following the staff presentation and discussion, with Council Member Cook and me in attendance, the Economic Development Committee voted to remove the property from the list of possible surplus property sales. We wish to preserve this property in city ownership to continue to explore the idea of using this undeveloped area of Irby Park as an area to naturally treat run off from the Wintersburg Flood Control Channel, rather than just the immediate neighborhood.

We also discussed the necessity of a Measure C vote by the people of the City if this land were ever to be sold and developed for housing.

The Council Liaison Report further sets forth that recommendation of the Economic Development Committee is to remove the City owned parcel of land next to Irby Park for the list of parcels for possible sale, so that staff can pursue funding to use the land to treat urban run off.

Councilmember Sullivan expressed his opinion that the Measure C vote is a good idea, and inquired if the property is large enough for natural treatment.

Mayor Boardman affirmed, stating the feasibility of the entire area being treated for urban runoff.

Councilmember Cook inquired further of staff, and City Engineer David Webb reported that several years ago, this area was one of a number of sites identified.

Councilmember Houchen stated that caution has to be taken relative to the removal of parcels from the surplus property list, as the purpose is to place them for possible sale.

A motion was made by Coerper, second Cook to remove the City owned parcel of land next to Irby Park from the list of parcels for possible sale, so that staff can pursue grant funding to use the land to treat urban run off. The motion carried by the following roll call vote:

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

**(City Council and/or Redevelopment Agency) Public Hearing Continued Open from 8/25/03 Held to Consider Revisions to the City's Comprehensive Fee Schedule – Adopted as Amended: (1.) Resolution No. 2003-63 (Repealing Res. No. 5159); (2.) Resolution No. 2003-64 (Repealing Res. No. 2002-94); and (3.) Resolution No. 2003-65 (Re: Facility Rentals) - Planning Department Directed to Council re: Fees Associated with the Design Review Board Process (340.20)**

Mayor Boardman announced that this was the time scheduled for the purpose of considering revisions to the City Comprehensive Fee Schedule as set forth in City Council Resolution No. 5159 adopted on October 4, 1982, and amendments thereto.

The revisions to be considered are for cost recovery purposes and charges for services, and fall under the responsibility of the following City Departments.

- Building and Safety Department
- Planning Department
- City Clerk
- City Treasurer
- Economic Development Department
- Fire Department
- Library Department
- Police Department
- Public Works Department
- Community Services Department
- Administration

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

The following communications presented at the 8/25/03 opened and continued open Public Hearing are being included in the Agenda Packet: (1.) *Benchmark Fees and Charges*; (2.) *Responses to Council's Questions on Fees*; and *Late Communication Regarding Resolution No. 2003-64; Item 9 (Attachment No. 3) Related to Building Department Fees*.

City Administrator Silver presented an oral report regarding the August 25, 2003 Council Budget Meeting, at which time straw votes were taken to adopt resolutions establishing a Citywide User Fee Schedule and a Council direction was given to report on a recommended allocation of Enterprise Funds. Mr. Silver referred to Page No. D-1.7 of a PowerPoint report that sets forth the primary purpose of the Cost Allocation Plan.

Mayor Boardman declared the public hearing open.

City Clerk Brockway restated for the record the following Late Communication that pertains to this public hearing:

Communication from the City Attorney dated August 29, 2003 titled *Late Communication Regarding Resolution Nos. 2003-63 and 2003-65 Item D-1; City Council Open Session September 2, 2003* requesting amendments to Resolutions regarding fees.

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.

Councilmember Sullivan stated his recommendation for a full cost, fully burdened fee allocation.

A discussion was held relative to Page No. D-1.17, to amend the City Clerk's Mailing Service from \$25.00 to a fully burdened fee of \$32.00 per subscription.

City Clerk Brockway reported on the CBIZ Cost Allocation Fee Study conducted by Conrad & Associates. She explained that the Deputy City Clerk's lower salaries account for lower fees. Ms. Brockway informed Council that the City Clerk's Office's use of in-house codification, rather than that of an outside publishing company, not only provides service on a timely basis, but even at the fully burdened cost, it is still a lower charge.

Councilmember Hardy recommended the retention of the City Clerk's current Fee Amounts, and not as proposed by CBIZ, with the exception of the City Code Mailing Service, to be amended to the fully burdened cost of \$32.00 per subscription.

Considerable discussion ensued regarding: 1.) Page No. D-1.26 on the Police Department fingerprinting fee; 2.) the City Attorney's Late Communication ; and 3.) Page No. D-1.28 on the Public Works residential parking fee.

Following was a discussion held regarding the fees associated with the Design Review Board process. The Planning Department was directed to return to Council subsequent to revisiting this procedure.

A motion was made by Houchen, second Boardman to:

1. Adopt **Resolution No. 2003-63 as amended below\*** – *“A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Fee Schedule and Repealing Resolution No. 5159 entitled, ‘A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule’ and Certain Supplemental Amendments Thereto;”*

**and**

2. Adopt **Resolution No. 2003-64 as amended below\*** – *“A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Fee Schedule and Repealing Resolution No. 2002-94;”*

**and**

3. Adopt **Resolution No. 2003-65 as amended below\*** – *“A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Schedule for Charges for Facility Rentals and Recreation Services.”*

***The above asterisked Resolutions are amended as follows:***

1. ***City Clerk fees to remain as current and not as proposed by CBIZ consultant except for City Code mailing service fee to increase to fully burdened cost of \$32 per subscription; and***
2. ***Police Department fingerprinting fees to \$13.00 for residents and non-residents; and***

3. ***Additional City Clerk and Police Department fees per Late Communication submitted by City Attorney; and***
4. ***Pg. D-1.28 – Public Works - residential parking permit fee of \$43 and \$15 each additional guest permit if purchased at the same time.***

The motion carried by the following roll call vote:

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

**(City Council) Opened Public Hearing and Continued Open to September 15, 2003 to Consider Adoption of Draft Resolution on the Proposed City Budgets for Fiscal Year 2003-04 and Fiscal Year 2004-05 with Amendment to Consider: 1.) Incorporation of Sewer and Water Overhead; and 2.) Acceptance of \$11,000 donation from Project Self-Sufficiency (PSS) Foundation for Staff Position; and 3.) Acceptance of \$18,000 One-Year Donation from Council on Aging for Senior Center Social Worker Position (320.20)**

Mayor Boardman announced that this was the time scheduled for a public hearing for the purpose of considering the City budget for Fiscal Years 2003-04 and 2004-05.

The proposed budget for Fiscal Year 2003-04 totals \$291,969,190 including General Fund Expenditures of \$138,623,701. The proposed budget for FY 2004/05 totals \$290,402,525 including General Fund Expenditures of \$147,184,846. The complete Preliminary, Two-Year Budget proposal can be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach after Wednesday, August 27, 2003. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest Street and Talbert Avenue) and all branch libraries. Copies of the ***Preliminary Budget Message and Summaries*** may be obtained by the public from the City's website at <http://www.surfcity-hb.org>.

A draft Resolution titled "*A Resolution of the City Council of the City of Huntington Beach adopting a Budget for the City for Fiscal Year 2003/04*" was included in the packet for Council consideration.

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

Mayor Boardman declared the public hearing open.

City Clerk Brockway restated for the record the following Late Communication that pertains to this public hearing:

Communication from Greg S. Arbues, Chairman of the Project Self-Sufficiency (PSS) Foundation received in the City Clerk's Office on September 2, 2003 and titled *Project Self-Sufficiency* in support of funding for the PSS Program Coordinator to meet the \$11,000 shortfall for Fiscal Year 2003-04.

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.

City Administrator Silver presented an oral report regarding overhead water and sewer charges for consideration at the September 15, 2003 Council meeting.

Councilmember Sullivan inquired regarding fundraising efforts between the city and the Council on Aging relative to the Project Self Sufficiency Social Worker.

Community Services Director Jim Engle responded by reporting on the upcoming events, stating that volunteers will sponsor and provide the funds in advance.

The PowerPoint slide presentation titled *Fiscal Year 2003/2004 Balanced Budget*, included in the packet was discussed with regard to Slide No. 3 on the deferral of \$2 million in Vehicle and Equipment Replacement.

Councilmember Sullivan announced that he will be abstaining due to the amount of information to be digested.

A motion was made by Boardman, second Cook to open the public hearing on the proposed \$347,434,922 new appropriations for the fiscal year 2003/2004 city budget as outlined in the budget document and **continue open until September 15, 2003, amended to:** 1.) Incorporate overhead for sewer and water; and 2.) Accept \$11,000 donation from Project Self-Sufficiency (PSS) Foundation to fund staff position; and 3.) Accept \$18,000 one-year donation from Council on Aging for Senior Center Social Worker.

The motion carried by the following roll call vote:

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

**(City Council) Public Hearing Held - Adopted Resolution No. 2003-66 Approving Annual Assessment for Fiscal Year 2003-2004 to Fund Improvements Within Huntington Beach Hotel/Motel Business Improvement District (BID) (460.30)**

Mayor Boardman announced that this was the time noticed for a public hearing pursuant to Resolution of Intention No. 2003-60 adopted on August 18, 2003 to hear all interested persons for or against the continuation of the Huntington Beach Hotel/Motel Business Improvement District (BID) Assessment and the furnishing of specified types of improvements or activities. Said hearing is for the purpose of hearing all interested persons for or against levying of the assessment, and the furnishing of specified types of improvements or activities. Protests may be made orally or in writing; but, if written, shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest.

The Huntington Beach Hotel/Motel Business Improvement District requires a 1% levy be assessed on overnight room stays in Huntington Beach. These funds are collected as a separate itemization with monthly Transient Occupancy Taxes paid to the City of Huntington Beach. The Board of Directors for the Huntington Beach Conference and Visitors Bureau also serve as the BID Advisory Board. BID revenues supplement the annual City contract with the Conference and Visitors Bureau.

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

Economic Development Director David Biggs presented a PowerPoint slide report, which was included in the agenda packet and titled *Huntington Beach Hotel/Motel Business Improvement District (BID) - Annual Renewal for FY 2003-2004 – September 2, 2003*.

Mayor Boardman declared the public hearing open.

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.

A motion was made by Coerper, second Hardy to adopt **Resolution No. 2003-66** – “A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment for Fiscal Year 2003-04 to Fund Improvements within the Huntington Beach Hotel/Motel Business Improvement District.” The motion carried by the following roll call vote:

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

**(City Council) Public Hearing Held - Adopted Resolution No. 2003-67 Approving Annual Assessment for Fiscal Year 2003-2004 to Fund Improvements Within Huntington Beach Auto Dealers Business Improvement District (BID) (460.30)**

Mayor Boardman announced that this was the time scheduled for a public hearing pursuant to Resolution of Intention No. 2003-61 adopted on August 18, 2003 to hear all interested persons for or against the continuation of the Huntington Beach Auto Dealers Business Improvement District (BID) Assessment and the furnishing of specified types of improvements or activities. Said hearing is for the purpose of hearing all interested persons for or against levying of the assessment, and the furnishing of specified types of improvements or activities. Protests may be made orally or in writing; but, if written, shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest. If written protests are received by the owners of businesses within the District, which will pay 50% or more of the total assessments to be levied, no further proceedings to levy the proposed assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activity within the District, those types of improvements or activities shall be eliminated.

Fiscal Year 2003-2004 dealer assessments are based upon \$775/month for each of the 13 member dealers. The Huntington Beach Auto Dealers Association is the Board of Directors for the BID and they propose assessments for the BID for City Council review and approval. The Huntington Beach Auto Dealers Association unanimously approved the 2003-2004 BID budget at their July 8, 2003 meeting.

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

Economic Development Director Biggs presented a PowerPoint slide report which was included in the agenda packet and titled *Huntington Beach Auto Dealers – Business Improvement District (BID) – Annual Renewal for FY 2003-2004 – September 2, 2003*.

Mayor Boardman declared the public hearing open.

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.

Mayor Boardman inquired if it is possible to change in mid-year. Director Biggs affirmed and stated that yes, the process and notification procedures are the same.

A motion was made by Coerper, second Sullivan to adopt **Resolution No. 2003-67** – “A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment for Fiscal Year 2003-04 to Fund Improvements within the Huntington Beach Auto Dealers Business Improvement District.” The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Green

#### **Consent Calendar – Item Removed for Separate Discussion**

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Additional Appropriation for Sales Tax Auditing Services to be Provided by the City’s Consultant, HdL Companies (Fiscal Impact Statement No. 2003-32) ( . )

#### **Consent Calendar – Items Approved**

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

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

NOES: None

ABSENT: Green

**(City Council/Redevelopment Agency) Minutes** (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of June 16, 2003 and June 23, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Authorized the City Administrator to Approve Exceptions to the Hiring Freeze for the Positions of Senior Planner and Part Time Department Analyst (Current Planning and Advance Planning Divisions for Fiscal Year 2003-2004)** (310.20) –

Authorized the City Administrator to approve the positions of Senior Planner and Part Time Department Analyst as exceptions to the current hiring freeze to maintain productivity in the Planning Department. Submitted by the Planning Director. Funding Source – Budgeted within the Fiscal Year Planning Department Permanent Salaries Account.

**(City Council) Accepted Annual Review of the Flood Management Plan (FMP) and Authorized Submittal to the Federal Emergency Management Agency (FEMA) (550.10)**

Accepted the annual review of the Flood Management Plan as adequate and complete and forward it to the Federal Emergency Management Agency. Submitted by the Planning Director. Funding Source: Not applicable.

**(City Council) Approved Amendment No. 7 to Cooperative Agreement No. C-95-975 between the City and the Orange County Transportation Authority (OCTA) for Roadway Improvements through the Combined Transportation Funding Program (CTFP) (600.25) –** Approved and authorized the Mayor and City Clerk to execute *Amendment No. 7 to Cooperative Agreement No. C-95-975 between the Orange County Authority and the City of Huntington Beach*. Submitted by the Public Works Director. Funding Source: None required.

**(City Council) Accepted Bid by and Awarded Construction Contract to Los Angeles Engineering, Inc. for the Murdy Park Reconfiguration Project, Phase One; CC-1176 (Includes Reconfiguration into a Youth Sports Complex of Park View School in the Ocean View School District per Section 612, Measure C Requirements) (600.65) 1.** Accepted the lowest responsive/responsible bid submitted by Los Angeles Engineering, Inc. in the amount of \$785,124.80 for the Murdy Park Reconfiguration Project, Phase One, CC-1176; and **2.** Authorized the Mayor and City Clerk to execute a construction contract with Los Angeles Engineering, Inc. in substantially the same form as the attached sample construction contract. Submitted by the Community Services Director and the Public Works Director. Funding Source: Park Acquisition and Development Fund, Murdy Park Reconfiguration. A reimbursable grant has been approved under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 for \$550,000 and \$450,00 from the park in-lieu fees paid to the Park Acquisition and Development Fund from the Catellus Meadowlark residential project. The Engineer's Estimate is \$750,000.

**(City Council) Approved Grant Agreement for Public Relations Services between the City and the Huntington Beach Conference & Visitors Bureau, Inc. (HBCVB) for Fiscal Years 2003-04 and 2004-05 (600.10) -** Approved and authorized execution by the Mayor and City Clerk of the *Grant Agreement between the City of Huntington Beach and the Huntington Beach Conference and Visitors Bureau for Public Relations Services*. Submitted by the Economic Development Director. Funding Source: Fiscal Year 2003-04 and 2004-05 City budgets account.

**(City Council/Redevelopment Agency) Approved Cooperation Agreements between the City and the Redevelopment Agency Related to Certain Capital Improvements within or of Benefit to the Southeast Coastal Redevelopment Project – Adopted Council Resolution No. 2003-68 and Agency Resolution No. 345 (600.30)**

**City Council Action:** Adopted **Resolution No. 2003-68** - *“City Council Resolution Approving a Cooperation Agreement with the Redevelopment Agency of the City of Huntington Beach Related to Certain Capital Improvements within or of Benefit to the Southeast Coastal Redevelopment Project and Making Certain Determinations and Findings;”* and

**Redevelopment Agency Action:** Adopted Agency **Resolution No. 345** - *“Redevelopment Agency Resolution Approving a Cooperation Agreement with the City of Huntington Beach Related to Certain Capital Improvements within or of Benefit to the Southeast Coastal Redevelopment Project and Making Certain Determinations and Findings.”* Submitted by the

Administrative Services Director and the Economic Development/Deputy Executive Director.  
Funding Source: Property Tax Increment to be received from the Southeast Coastal Redevelopment Project Area.

(The resolutions include the *Cooperation Agreement between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach Regarding Certain Capital Improvements within or of Benefit to the Southeast Coastal Redevelopment Project*. The agreement is to assist in the elimination of blighting conditions within the Redevelopment Project Area and implement the Community Redevelopment Law provisions (Health & Safety Code § 33000 *et seq.*).

**(City Council) Approved as Amended to Provide Council a Report Clarifying Amounts in the HdL Companies invoice Prior to the Authorization of Additional Appropriation for Sales Tax Auditing Services by the City's Consultant, HdL Companies (Fiscal Impact Statement No. 2003-32) (320.45)**

Council Member Sullivan requested that this agenda item be removed from the Consent Calendar to inquire what was captured in the first quarter sales tax audit. Councilmember Sullivan also asked for an explanation of the \$27,580 due the HdL Companies.

Following discussion, Council direction was given to provide Council a report clarifying amounts in the staff report relative to the HdL Companies invoice.

A motion was made by Sullivan, second Coerper to approve **as amended** for a report to Council clarifying amounts in HdL Companies' invoice prior to authorizing additional appropriation of \$31,000 requested for sales tax auditing services. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Boardman, Houchen, Hardy

NOES: None

ABSENT: Green (Cook out of room)

**(City Council) Adopted Ordinance No. 3614 Amending Huntington Beach Municipal Code Chapter 14.55 Relating to Rates, Charges, Annual CPIU (Consumer Price Index for All Urban Consumers, Adjustments and Billing Methodology for the Sewer Service Charge (640.10)**

After City Clerk Brockway read by title, a motion was made by Sullivan, second Coerper to adopt **Ordinance No. 3614** - "*An Ordinance of the City of Huntington Beach Amending Chapter 14.55 of the Huntington Beach Municipal Code Relating to Rates and Charges for the Sewer Service User Charge.*" The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Green

**(City Council) Adopted Ordinance No. 3615 Amending the Huntington Beach Municipal Code Chapter 13.08 Relating to Beach Regulations (Structures – Furniture on Beach – Pierside Pavilion – Beach Service Road) (640.10)**

After City Clerk Brockway read by title, a motion was made by Coerper, second Houchen to adopt **Ordinance No. 3615** - *“An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Relating to Structures/Furniture on the Beach.”* The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3616 Amending the Huntington Beach Municipal Code Chapter 8.68 Relating to the City’s Firemed Program) (640.10)**

After City Clerk Brockway read by title, a motion was made by Cook, second Coerper to adopt **Ordinance No. 3616** - *“An Ordinance of the City of Huntington Beach Amending Chapter 8.68 of the Huntington Beach Municipal Code Relating to the Firemed Program.”* The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3617 Amending the Huntington Beach Municipal Code Chapter 17.65 Relating to Fair Share Traffic Impact Fees Annual Program Review – Reporting Requirements (640.10)**

After City Clerk Brockway read by title, a motion was made by Coerper, second Cook to adopt **Ordinance No. 3617** - *“An Ordinance of the City of Huntington Beach Amending Chapter 17.65 of the Huntington Beach Municipal Code Relating to Traffic Impact Fees.”* The motion carried by the following roll call vote:

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

**(City Council) Continued to September 15, 2003 to Consider for Approval of Introduction of Ordinance No. 3618 Amending Huntington Beach Municipal Code Chapter 5.44 Relating to Entertainment (Adds Definition of Ambient Music) (640.10)**

The City Council considered a communication submitted by Police Chief Kenneth Small requesting an amendment in order to add the definition of ambient music to Municipal Code Section 5.44 pertaining to entertainment.

Councilmember Sullivan asked Police Chief what the amendment is expected to accomplish.

Police Chief Small reported that the ordinance applies to businesses in the city that provide entertainment where alcohol is sold. He spoke regarding noise levels.

Councilmember Houchen inquired regarding outdoors and patio music in the downtown businesses.

Planning Director Howard Zelefsky reported on Conditional Use Permit entitlement relative to the use of speakers.

City Attorney Jennifer McGrath reported on the loophole of the lack of definition of "ambient."

A motion was mad by Houchen, second Hardy to **continue to September 15, 2003** to consider the approval of the introduction of **Ordinance No. 3618** - *"An Ordinance of the City of Huntington Beach Amending Chapter 5.44 of the Huntington Beach Municipal Code Relating to Entertainment."* The motion to continue carried by the following roll call vote:

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

**(City Council) Appreciation Extended by Councilmember Sullivan to the Economic Development Department and Mayor Pro Tem Green and Councilmember Hardy for Their Committee Efforts on the South East Huntington Beach Redevelopment Project Area ( . )**

Councilmember Sullivan thanked the Economic Development Department for its efforts on the South East Redevelopment Project Area Committee with Mayor Pro Tem Green and Councilmember Hardy.

**(City Council) Two September 11<sup>th</sup> Remembrances Announced by Councilmember Sullivan ( . )**

Councilmember Sullivan announced forthcoming 9-11 Remembrance Events: the Greater Huntington Beach Interfaith Council at the Main Street Library, and the American Legion, Post 133 at the Pier Plaza.

**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, September 15, 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