

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, JUNE 17, 2002

7:00 P.M. – Council Chambers

Civic Center, 2000 Main Street
Huntington Beach, California 92648

The 5:00 p.m. portion of the meeting will be recessed by the City Clerk to 7:00 p.m. due to an anticipated lack of quorum.

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

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

**** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

The City Attorney reported from her communication distributed to Council in the Late Communications packet – Re: Opp v. City of Huntington Beach. The City Attorney’s report clarified her report made at the 6/3/02 Council meeting.

Roll Call Green, Boardman, Cook, Houchen, Winchell, Bauer (Dettloff has requested to be absent from the meeting pursuant to City Council Resolution No. 2001-54.)

Present (Dettloff absent)

Pledge of Allegiance and Flag Salute – 4th of July Executive Board members.

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.ci.huntington-beach.ca.us>

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Council Members or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

City Clerk announced late communication received from City Attorney clarifying Report Out of Action on Opp v. City made on June 3, 2002. Also Late Communications received on Agenda Items C-3; D-2; G-1c; F-3.

Presentation – To Mayor Debbie Cook and the City Council, of T-shirts by the 4th of July Board. (160.40)

Presentation – To Mayor Debbie Cook and 4th of July Board, a check for \$20,000 by 4th July Sponsor SHIITAKE-YA, Timothy Lin, General Manager, and Dan Rousseve, Sales Representative. (160.40)

Presentation – By Mayor Debbie Cook and Nick Tomaino, Chair, Community Services Commission, checks to the recipients of the Youth Sports Grants. (160.40)

Presentation – By Mayor Debbie Cook, of Certificates of Commendations for their school being name Blue Ribbon School by the U.S. Department of Education, to Liz Williams, Principal, Marine View Middle School; Dr. James Tarwater, Superintendent, Ocean View School District; Paul Morrow, Principal, Isaac Sowers Middle School; and Superintendent, Dr. Gary Rutherford, Huntington Beach Elementary School District. (160.40)

Mayor's Award – Mayor Debbie Cook and Library Services Manager Jan Halvorsen will present award to Marianne MacKenzie, Library Assistant, Main Street Branch Library. (160.40)

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

1. *Several students requesting that the DARE program remain in City Budget; distributed material and presented PowerPoint report on DARE Program impact on local schools.*
2. *Several adults spoke requesting continuance of DARE program; that program teaches lessons besides anti-drug message.*
3. *Speaker re: communication he sent Council regarding what he believes to be a lack of parade committee cooperation in assisting Democratic Club to assist disabled in attending parade. Mayor referred issue to City Attorney's Office. The Community Services Director reported on City's policy.*
4. *Speakers regarding need for access of disabled to parade route & requested plan used in past year's parade be continued.*
5. *Speakers stating support for Agenda Item H-2a and citing statistics on deaths & injuries caused by animal shows.*
6. *Speaker opposed to Item F-3 Disc Golf Course citing use of 15 acres takes away from public use as picnic area; maintenance costs; questioned whether gift of public funds; questioned cash transactions; and the bid process.*
7. *Speaker protesting absence of Invocation & offered prayer.*
8. *Speaker in support of South East Coastal Redevelopment Project area and urged that Council be careful with the allocation of funding to developers.*
9. *Speaker informed Council that Charter Amendment petition had been filed in the City Clerk's Office earlier in the day and requested Council not oppose it. Council Member Bauer commented on statements made by speaker.*
10. *Speaker stating his dissatisfaction with his contacts with Police Department.*
11. *Speaker recognized city employees who helped so much in the Memorial Day ceremonies and also on Flag Day ceremonies; opposed to F-3 and Charter Amendment petition.*
12. *Speaker opposed to F-2.*
13. *Speaker reported that 301-H waiver bill proposed by Assemblyman Tom Harman will be before the Governor for signature. Stated concerns regarding D-3 and in support of H-2a; opposed to Council districts; opposed South East Coastal Redevelopment Project Area Plan.*

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Announcement of Appointment of John DeWitt to the Finance Board by City Council Member Pam Houchen (.)**

City Council Member Pam Houchen will announce her appointment of John DeWitt to the Finance Board effective July 1, 2002.

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes of the appointment of John DeWitt to the Finance Board.

Council Member Houchen announced appointment of John DeWitt.

C-2. (City Administrator's Report) Request Invocation of Two-Years Service Credit at the July 1, 2002 Council Meeting to be Offered to all City Employees under CALPERS (California Public Employee Retirement System) (.)

The City Administrator will present a recommendation to implement a Workforce Reduction Incentive Program as part of the city's 2002-03 budget approval process. The item will be scheduled for further discussion and action at the July 1, 2002 Council meeting.

**Communication from the City Administrator dated June 17, 2002 is included in the agenda packet.

The City Administrator presented the above mentioned report which he stated is the legal notice required for the public and on which this subject will return at the July 1, 2002 Council meeting, for submittal with the budget in August 2002.

C-3. (City Council) Review and Accept Shari Freidenrich, City Treasurer's April 2002 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for April 2002.

Recommended Action: Motion 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 April 2002*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 6-0-1 (Dettloff absent)

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Formation of Holly-Seacliff Area (Ellis/Goldenwest) of Benefit District No. 1 for Financing of Certain Street Improvements and Related Facilities within the City – Approve First Amendment to Settlement Agreement Between City and PLC (the Developer) – Approve MuniFinancial Corporation Benefit Report – Approve Introduction of Ordinance No. 3564 – Adopt Resolution No. 2002-59 (350.30)

Public hearing to consider establishment of the Holly-Seacliff Area of Benefit District No. 1, for the financing of certain street improvements and related facilities within the City. Submitted by the City Attorney and the Public Works Director.

The proposed boundaries of the District are more particularly described by the Holly-Seacliff Area of Benefit District Map, which is on file in the Office of the City Clerk.

The property located within the proposed boundaries of the District may be subject to a charge to pay a portion of the costs of providing street improvements which benefit the same property. If, after the date of formation of the District, the property owner either files a final map (subdivision, parcel or consolidation of property), or applies for a building permit, a charge and an inflation adjustment will become due and payable.

All persons desiring to testify with respect to: the necessity of said Public Improvements, the cost of said Public Improvements, the benefited area and the amount of the costs eligible to be recovered, may appear and be heard.

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

Recommended Action: Motion to:

1. Approve the *First Amendment to Settlement Agreement and Mutual General Release* with PLC, and authorize the Mayor to sign and the City Clerk to attest to same;

Approved 5-1-1 (Boardman No, Dettloff absent)

and

2. After the City Clerk reads by title, approve introduction of **Ordinance No. 3564** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.68 of the Huntington Beach Municipal Code Regarding Area of Benefit Districts;”*

Approved Introduction 5-1-1 (Boardman No, Dettloff absent)

and

3. Conduct a public hearing to consider adopting the Holly-Seacliff Area of Benefit District;

Hearing Held

and

(Continued on Next Page)

4. Receive and consider the Holly-Seacliff Area of Benefit Report, dated March 20, 2002, prepared by MuniFinancial Corporation;
Received and Considered 5-1-1 (Boardman No, Dettloff absent)
and
5. Receive and consider the Analysis contained in this Request for Council Action (Staff report included in the agenda packet);
Received and Considered 5-1-1 (Boardman No, Dettloff absent)
and
6. Adopt **Resolution No. 2002-59** – “A Resolution of the City Council of the City of Huntington Beach Establishing the Holly-Seacliff Area of Benefit District” that would levy a charge on new development within the Holly-Seacliff Area of Benefit District intended to reimburse PLC and the City for the construction cost of widening Goldenwest Street, Garfield Avenue, Gothard Street and Main Street, plus the out-of-pocket costs of District formation.
Adopted 5-1-1 (Boardman No, Dettloff absent)

D-2. (City Council) Public Hearing to Consider Zoning Text Amendment No. 02-04 (Religious Assembly in the Ellis-Goldenwest Specific Plan Area No. 7 – s/o Ellis and n/o Garfield Avenues; w/o Goldenwest and e/o Edward Streets) – Approve Introduction of Ordinance No. 3563 (.)

Public hearing to consider the following:

Applicant: Planning Department, City of Huntington Beach

Request: To amend Specific Plan No. 7 (Ellis-Goldenwest Specific Plan) by adding religious assembly as a permitted use as well as development standards for said use. The development standards would also apply to public schools in the Specific Plan boundaries.

Location: Ellis-Goldenwest Specific Plan Area (south of Ellis and north of Garfield Avenues, and west of Goldenwest and east of Edwards Streets).

Environmental Status: This Item is categorically exempt from the provisions of the California Environmental Quality Act.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Friday, June 14, 2002.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

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

**A PowerPoint presentation titled *Zoning Text Amendment No. 02-04 – Religious Assembly in the Ellis-Goldenwest Specific Plan* is included in the agenda packet.

Recommended Action:

Planning Commission and Staff Recommendation: Motion to:

1. Approve Zoning Text Amendment No. 02-04 with Findings for Approval (Attachment No. 1);

Approved 5-0-1-1 (Cook abstain, Dettloff absent)
and

2. After the City Clerk reads by title, approve introduction of **Ordinance No. 3563 – “An Ordinance of the City of Huntington Beach Amending SP 7 (Ellis Goldenwest Specific Plan) by Adding Religious Assembly as a Permitted Use as well as Development Standards for Religious Assembly and Public School Uses”** (Attachment No. 2).

Introduction Approved 5-0-1-1 (Cook abstain, Dettloff absent)

Mayor Cook abstained as her residence is in the area.

Directed staff to furnish list of other areas city wide with similar permitted uses/development standards for public assembly.

D-3. **(City Council) Public Hearing to Consider Appeal Filed by Eugene Gallagher of Two Conditions of Entertainment Permit for Ibiza Restaurant (209 Main Street)**

(.)

Public hearing to consider the following:

Appellant/Applicant: Eugene Gallagher

Request: To appeal two conditions to the entertainment permit issued April 17, 2002 to Ibiza Restaurant, 209 Main Street, Huntington Beach. The Appellant/ Applicant is requesting: **(1)** An extension of the hours of indoor entertainment to 1:30 a.m. and **(2)** Deletion of the prohibition of dancing at the location.

Location: 209 Main Street, Huntington Beach, CA 92648

Police Department Contact: Preston Linker

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the appeal as outlined below. A copy of the appeal is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for review by the public. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

On File: Copies of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public after Friday, June 14, 2002.

A public hearing is required by the Huntington Beach Zoning and Subdivision Code Section 248.04. Written communications to the City Council may also be mailed to the City Clerk.

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

**PowerPoint presentation titled *Entertainment Permit* is included in the agenda packet.

Recommended Action: Motion to:

Uphold the permit as issued by the Police Department.

Public Hearing Opened and Closed

Motion to refer appellant/applicant to Planning Commission for Conditional Use Permit Application and to extend the hours of operation as requested.

Motion Failed 3-3-1 (Houchen, Winchell, Green Aye; Boardman, Cook, Bauer No; Dettloff absent)

Continued decision to 7/1/02 Council Meeting 6-0-1 (Dettloff absent)

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency adjourned meetings of Thursday, May 30, 2002 and regular meetings of Monday, June 3, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 6-0-1 (Dettloff absent)
- E-2. (City Council) Approve Reappointment of Nick Tomaino to the Community Services Commission for a Term from July 1, 2002 to June 30, 2006 (.)** – Reappoint Nick Tomaino to the Community Services Commission for the term of July 1, 2002 through June 30, 2006 as recommended by Council liaisons Mayor Debbie Cook and Council Member Grace Winchell. Submitted by the Community Services Director. Funding Source: Not Applicable.
Approved 6-0-1 (Dettloff absent)
- E-3. (City Council) Adopt Resolution No. 2002-58 – Establishing Residential Curbside Refuse Collection Rates (Rainbow Disposal Co., Inc. Franchise Agreement) (.)** – Adopt **Resolution No. 2002-58** – “A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates.” Submitted by the Public Works Director. Funding Source: Refuse service fees.
Adopted 6-0-1 (Dettloff absent)
- E-4. (City Council) Appropriate from the Huntington Beach Tree Society the Grant Funds for Street Tree Planting (Purchase of Replacement Trees) (.)** – Appropriate \$18,000 to fund the purchase of replacement trees. Submitted by the Public Works Director. Funding Source: Unappropriated General Fund Balance, \$18,000 from Residential Trees payments into Tree Maintenance Materials Account. Designated revenues have been received to offset the appropriation.
Council Member Bauer reported
Approved 6-0-1 (Dettloff absent)
- E-5. (City Council) Approve the Two Re-Appointments of Rick Taylor and Richard Zeleznikar to the Personnel Commission – Terms to Expire June 30, 2006 (.)** – Approve the re-appointments of Rick Taylor and Richard Zeleznikar with terms to expire June 30, 2006 as recommended by Council Liaisons Mayor Debbie Cook and Council Member Peter Green. Submitted by the Administrative Service Director. Funding Source: None Required.
Approved 6-0-1 (Dettloff absent)

- E-6. (City Council) Approve Appropriation and Create Huntington Beach Police Department Business Unit to Fund Department of Justice Fingerprint Charges** (.) – **1.** Establish a new business unit and approve the expenditure of those funds to pay for fingerprint fees associated with Department of Justice billings; and **2.** Appropriate \$90,000 annually from the unreserved, undesignated General Fund Balance to pay for Department of Justice Fingerprint fees billings. Submitted by the Chief of Police. Funding Source: \$90,000 unreserved, undesignated General Fund Balance.
Police Captain Mamelli reported
Approved 5-0-2 (Green out of room, Dettloff absent)
- E-7. (City Council) Approve Cooperative Agreement with the Orange County Transportation Authority (OCTA) for Establishing a Senior Mobility Program Fund** (.) – **1.** Approve the *Cooperative Agreement C-2-0656 between the Orange County Transportation Authority and the City for Senior Mobility Program*, and authorize the Mayor and City Clerk to execute same; and **2.** Direct staff to establish a new fund entitled, "Senior Mobility Program Fund," and approve the expenditure of those funds to provide senior transportation services upon receipt from OCTA. Submitted by the Community Services Director. Funding Source: Orange County Transportation Authority (\$109,595), plus 20% in-kind match of \$27,399 funded in the current budget, General Fund, Senior Outreach Program Account.
Approved 6-0-1 (Dettloff absent)
- E-8. (City Council) Approve Amendment to Orange County Well Construction Program Agreement Between the City and the Orange County Water District (OCWD)** (.) – Authorize the Mayor and City Clerk to execute the *Amendment to the Orange County Well Construction Program Agreement between the Orange County Water District and the City of Huntington Beach.* Submitted by the Public Works Director. Funding Source: Not Applicable.
Approved 6-0-1 (Dettloff absent)
- E-9. (City Council) Approve Subdivision Agreement Between the City and Boeing Realty Corporation and Accept Bonds for McDonnell Centre Specific Plan No. 11, Phase II – (Parcel Map No. 2001-226 – Located w/o Bolsa Chica Street, s/o Rancho Road)** (.) – **1.** Approve and authorize the Mayor and City Clerk to execute the *Subdivision Agreement by and between the City of Huntington Beach and Boeing Realty Corporation for Parcel Map No. 2001-226*; and **2.** Accept bonds pursuant to Zoning Administrator's action and instruct the City Clerk to file the following bonds with the City Treasurer: **a.** Faithful Performance Bond number 8183 64 88; **b.** Labor and Material Bond number 8183 64 88; and **c.** Monument Bond number 8183 64 89. Submitted by the Public Works Director. Funding Source: Not Applicable.
Approved 6-0-1 (Dettloff absent)

- E-10. **(City Council) Adopt Resolution No. 2002-63 – Authorizing Issuance of Special Tax Bonds and Approve Legal Documents for City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park – Improvement Area A)** (.) – Adopt Resolution No. 2002-63 – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Issuance of Special Tax Bonds of the City of Huntington Beach for Improvement Area A of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park), and Approving Other Related Documents and Actions.” Submitted by the Economic Development Director. Funding Source: Costs associated with the issuance of the Community Facilities District (CFD) bonds will be funded from the bond proceeds. (See Agenda Item G-1a for Adoption of Ordinance No. 3557, which was approved for introduction on June 3, 2002.)
Adopted 6-0-1 (Dettloff absent)
- E-11. **(City Council) Approve Amendment of the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Agreement Between the City and the Orange County Flood Control District** (.) – 1. Approve and authorize the Mayor and City Clerk to execute the *Amendment and Restatement of National Pollutant Discharge Elimination System Stormwater Permit Implementation Agreement*; and 2. Appropriate \$350,892 from the General Fund balance to Account No. 10085102.79025. Submitted by the Public Works Director. Funding Source: No funding required for the agreement. Unappropriated General Fund balance in the amount of \$350,892 is necessary to ensure permit compliance.
Approved 6-0-1 (Dettloff absent)
- E-12. **(City Council) Authorize Police Chief to Execute a Communications Systems Agreement with Motorola to Approve Installation of a New MHz Radio Transmitter Site for Police Dispatch – Authorize Appropriation of Funds** (.) – 1. Approve the appropriation of \$424,964.16 from the Holly Seacliff Fund, Number 307; and 2. Authorize the expenditure of \$424,964.16 for a radio transmitter site; and 3. Authorize the Chief of Police to enter into a *Communications System Agreement* with Motorola for this project. Submitted by the Police Chief. Funding Source: Appropriate \$424,964.16 from the Holly Seacliff Fund, Number 307.
**Approved 4-0-3 (Houchen, Green absent from room; Dettloff absent)
Council Member Bauer requested the Police Department to prepare progress report.**
- E-13. **(City Council) Authorize the City Administrator to Execute a Professional Services Contract with Albert Grover & Associates (AGA) for Traffic Signal System Management Services – Authorize Appropriation of Funds** (.) – Appropriate funds in the amount of \$90,000 from the Air Quality Fund and authorize the City Administrator to enter into a professional services contract with Albert Grover & Associates (AGA) for Signal System Management Services. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$90,000 will be appropriated from the Air Quality Fund, undesignated balance to Professionals Services Account.
Approved 6-0-1 (Dettloff absent)

F. Administrative Items**F-1. (City Council) Adopt Resolution No. 2002-60 Calling General Municipal Election for November 5, 2002 – Election of Officers – Adopt Resolution No. 2002-61 Requesting the County of Orange to Consolidate the City's General Municipal Election with the Statewide General Election – November 5, 2002 (.)**

Communication from the City Clerk transmitting two resolutions for the conduct of the November 5, 2002 General Municipal Election. (Election of four members of the City Council and a City Attorney.)

Recommended Action: Motion to adopt:

1. **Resolution No. 2002-60** – “A Resolution of the City Council of the City of Huntington Beach, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2002 for the Election of Certain Officers as Required by the Provisions of the Charter;”

Adopted 4-0-3 (Green, Houchen out of room; Dettloff absent)

and

2. **Resolution No. 2002-61** – “A Resolution of the City Council of the City of Huntington Beach Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2002, with the Statewide General Election to be Held on the Date Pursuant to §10403 of the Elections Code.”

Adopted 4-0-3 (Green, Houchen out of room; Dettloff absent)

F-2. (City Council) Approve Introduction of Ordinance No. 3565 Adding Huntington Beach Municipal Code Chapter 5.71 Pertaining to Escort Service Businesses – Adopt Resolution No. 2002-62 Setting Fee Schedule (.)

Communication from the Chief of Police informing Council that there is a need to adopt a new ordinance and fee schedule relating to escort service businesses in order to assist the Police Department. Currently, there is no formalized process for monitoring the start-up or regulation of these businesses. At this time, if an escort service business were to establish itself in the City of Huntington Beach, it would only need a business license and would pay the standard license fee. However, the majority of these types of businesses do not have licenses as they operate out of residential dwellings as a outcall service. This new ordinance would formalize the process of obtaining a business license for all escort services and all individual escorts that conduct business within the City. Furthermore, the regulations and restrictions proposed in Chapter 5.71 will assist in discouraging escort service businesses from degenerating into houses of prostitution, and allow the Police Department the means of monitoring escort service businesses. If adopted, this ordinance would require that escort business owners and each individual employee obtain a permit and license.

**A PowerPoint presentation titled *Escort Ordinance Chapter 5.71* is included in the agenda packet.

Recommended Action: Motion to:

1. After City Clerk reads by title, approve introduction of **Ordinance No. 3565** – “An Ordinance of the City of Huntington Beach Adding Chapter 5.71 to the Huntington Beach Municipal Code Pertaining to Escort Services;”

Approved introduction as amended by the following: All employees of the escort services shall comply with the following conditions and any other conditions specified by the Chief of Police and approved by City Council on issuance of the employee permit.

Approved introduction as amended 6-0-1 (Dettloff absent)

and

2. Adopt **Resolution No. 2002-62** – “A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 Entitled, “A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule” as to Fees Applicable to Escort Businesses and Escort Employee (Supplemental Fee Resolution No. 86).”

Adopted 6-0-1 (Dettloff absent)

F-3. (City Council) Approve Agreement Between the City and Disc Sports Management for Operation and Maintenance Services of a Disc Golf Course in Huntington Central Park (n/o Equestrian Center on Goldenwest Street) Approve Revenue Proceeds to be Placed in Park Acquisition and Development Fund (600.35)

Communication from the Community Services Director informing Council that staff has completed the bid process and has prepared an agreement for Council approval for the operation of the disc golf course in Huntington Central Park. The disc golf course in Huntington Central Park was established by the city in 1976. It is located off Goldenwest Street north of the Huntington Central Park Equestrian Center. Up until 1997, the city operated the disc golf course and, for the past four years, the city has been in a trial arrangement with Disc Sports Management (DSM) for the operation of the facility.

Charter Section 612 (Measure C): The agreement between the city and DSM is for the maintenance and operation of the existing disc golf course in Central Park. There is no exclusive use of the area. Although there is a fee to use the Frisbee golf facilities, there is no fee to access the site for walking, picnicking, etc. There are no property rights being sold or leased to the concessionaire. The concessionaire is operating out of a modular bin that is less than 3,000 square feet and costs less than \$100,000. Since this is a management only agreement to operate an existing park facility, Charter Section 612 does not apply. (See Attachment No. 3 of the staff report included in the agenda packet.)

Funding Source: Estimated annual revenue of \$20,000 proposed for the Park Acquisition & Development unappropriated fund balance.

Recommended Action: Motion to:

1. Approve the *Agreement Between the City of Huntington Beach and Disc Sports Management for Operation and Maintenance Services of a Disc Golf Course at Huntington Central Park*, and authorize the Mayor and City Clerk to execute same;

Approved as amended to add in Section 5 fees "with a minimum one year monthly payment of \$1,000 per month"

Approved introduction as amended 6-0-1 (Dettloff absent)

and

2. Direct that all revenue received from disc golf course operation be put into the Park Acquisition and Development Fund as recommended by the Community Services Commission.

Approved agreement as amended, for one year instead of five, and directed staff to look at market rate and charge according to what market will bear and to review it with Council twice per year when all Community Services fees are presented to Council. Council Member Winchell stressed the need for it to be put in the agreement that this use, not the agreement was in effect prior to Measure C and that this is not a lease.

Approved 6-0-1 (Dettloff absent)

G. Ordinances**G-1. Ordinances for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3557 Levying Special Taxes Within the Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park Improvement Areas A & B) (.) Adopt Ordinance No. 3557 – “An Ordinance of the City of Huntington Beach Levying Special Taxes Within Improvement Area A and Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park).” (Hearing held and introduction of Ordinance approved June 3, 2002.) (See Agenda Item E-10)**

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3557**, by roll call vote.

Adopted 6-0-1 (Dettloff absent)

- G-1b. (City Council) Adopt Ordinance No. 3562 – Amending Section 254 of the Huntington Beach Zoning And Subdivision Ordinance – Relating to the Dedication and Reservations of Land Parcels (.) Adopt Ordinance No. 3562 – “An Ordinance of the City of Huntington Beach Amending Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance Relating to the Dedication and Reservations of Land Parcels.” (Hearing held and introduction of Ordinance approved June 3, 2002.)**

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3562**, by roll call vote.

Adopted 6-0-1 (Dettloff absent)

- G-1c. (City Council/Redevelopment Agency) Adopt Ordinance No. 3561 – Approving and Adopting the Southeast Coastal Redevelopment Plan (450.20) Adopt Ordinance No. 3561 – “An Ordinance of the City Council of the City of Huntington Beach Approving and Adopting the Redevelopment Plan for the Southeast Coastal Redevelopment Project.” (Introduction of Ordinance approved June 3, 2002.)**

Recommended Action: After City Clerk reads by title, adopt **Ordinance No. 3561**, by roll call vote.

Adopted 4-2-1 (Boardman, Cook No; Dettloff absent)

G-2. Ordinances for Introduction**G-2a. (City Council/Redevelopment Agency) Continued from May 6, 2002 – Approve Introduction of Ordinance Nos. 3558 and 3559 and Agency Ordinance No. 2 to Amend City/Agency Transient Occupancy Tax Allocation (TOT) Split (Main Pier Redevelopment Subarea) (340.55)**

Communication from the Administrative Services Director and the Economic Development Director/Deputy Executive Director of a request to amend the City and the Agency Transient Occupancy Tax Allocation:

In 1988, the City and Redevelopment Agency provided for a 40/60% split of the 10% Transient Occupancy Tax (TOT) in order to assist in the Agency's financing of certain obligations related to the hotels to be developed on the Waterfront site in the Main Pier Redevelopment Subarea. This allocation of TOT is proposed to be expanded to the entire Main Pier Redevelopment Subarea.

Recommended Action: Motion to:

After the City Clerk reads by titles, approve introduction of the following ordinances by roll call vote:

City Council Actions:

1. Approve introduction of **Ordinance No. 3558** – *“An Ordinance of the City of Huntington Beach Amending Chapter 3.28 of the Huntington Beach Municipal Code Relating to Credit for Transient Occupancy Taxes.”*

Introduction Approved 4-2-1 (Boardman, Cook No; Dettloff absent)

2. Approve introduction of **Ordinance No. 3559** – *“An Ordinance of the City of Huntington Beach Amending Ordinance No. 2974 to Provide a Credit for the Payment of Transient Occupancy Taxes to the Huntington Beach Redevelopment Agency.”*

Introduction Approved 4-2-1 (Boardman, Cook No; Dettloff absent)

Redevelopment Agency Action:

Approve introduction of Agency **Ordinance No. 2** – *“An Ordinance of the Redevelopment Agency of the City of Huntington Beach Amending Ordinance No. 1 and Levying a Tax on the Privilege of Occupying a Room or Rooms in a Hotel, Inn, Tourist Home or House, Motel, or Other Lodging Located Within the Main Pier Redevelopment Sub-Area of the Huntington Beach Redevelopment Project.”*

Introduction Approved 4-2-1 (Boardman, Cook No; Dettloff absent)

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Council Member Ralph Bauer****(City Council) Request the Intergovernmental Relations Committee to Develop Energy Policy for the City of Huntington Beach (.)**

Communication from Council Member Ralph Bauer transmitting the following **Statement of Issue**: We have all become more aware of the need for frugality in energy use. Attached is a column I wrote for the monthly newsletter published by the Orange County Division of the League of Cities.

Since Huntington Beach has historically been a leader in issues dealing with the environment, it would seem desirable to develop an energy policy for the city covering the kinds of items mentioned in the attached column. It is suggested that rather than forming a new Council committee that the Intergovernmental Relations Committee be assigned the task of developing an energy policy for Huntington Beach.

**Communication titled *Don't Fool with Mother Nature by Ralph Bauer* is included in the agenda packet.

Recommended Action:

It is requested that the Intergovernmental Relations Committee be assigned the task of developing an energy policy for Huntington Beach. The policy would include direction for exploiting existing technology as well as monitoring evolving new technology for possible exploitation when it is determined to be cost effective.

Approved 5-0-2 (Boardman absent from room, Dettloff absent)

H-2a. Submitted By Council Members Pam Houchen and Grace Winchell**(City Council) Request Consideration of Whether or Not to Submit a Draft Ordinance to the City Attorney for Legal Review Re: "Restricting the Display of Animals for Entertainment or Amusement Purposes" (Save Our Strays) (.)**

Communication from Council Members Pam Houchen and Grace Winchell transmitting the following **Statement of Issue**: Ms. Karen Chepeka, President of Save Our Strays, Huntington Beach (a non-profit organization dedicated to the support and promotion of animal welfare) and Dr. Alison Stanley, Director of the Orange County Division of the California Lobby for Animal Welfare, have presented information to us about public safety and animal cruelty issues related to the display of animals.

The intent of their recommended ordinance (see attachment included in agenda packet) is not only to protect animals from errant trainers and caretakers, but also to protect the public from dangers inherent in the public display of wild and/or domestic animals. The cities of Pasadena, Corona, and Encinitas have adopted ordinances on this issue.

If the City Council is interested in considering such an ordinance, the draft ordinance needs legal review by the City Attorney's office prior to City Council action.

Recommended Action: Motion to:

Forward the draft ordinance "Restricting the Display of Animals for Entertainment or Amusement Purposes" to the City Attorney for legal review and subsequent request for Council action;

OR

No action if the City Council feels that this ordinance is not a priority at this time.

Approved 4-2-1 (Green, Bauer No; Dettloff absent)

Council Comments – (Not Agendized)

At this time Council Members may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council Member Green announced the resignation of Connie Mandic from the Planning Commission and stated that he would announce his new appointee at the next Council meeting.

Council Member Bauer reported that he would soon celebrate his 50th wedding anniversary.

Council/Agency Adjournment to Monday, July 1, 2002, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.ci.huntington-beach.ca.us>