

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

Tuesday, January 17, 2006  
4:00 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audiotape of the 4:00 p.m. portion of this meeting  
and a videotape of the 6:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.**

**Call to Order**

Mayor Sullivan called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:04 p.m. in Room B-8.

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

Present: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook.  
Absent: None.

Councilmember Green arrived at 4:09 p.m.; Councilmember Bohr arrived at 4:51 p.m.

**The City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding Study Session or Closed Session items received by her office following distribution of the agenda packet.

PowerPoint communication submitted by Irvine Ranch Water District (IRWD) dated January 17, 2006 and titled *Irvine Ranch Water District's Allocation-Based Rate Structure*.

**No Public Comments Regarding 4:00 P.M. Portion of Council Meeting**

**(City Council) Study Session #1 Held - Edinger Corridor Specific Plan Update Given - Staff and EDAW, specific plan consultant, provided an overview of the draft Edinger Corridor Specific Plan. (450.40)**

Planning Manager Scott Hess announced the purpose of the Study Session and recognized Carol Runzel from the Economic Development Department and Rosemary Medel from the Planning Department for their work with this item. He then introduced the consultants from EDAW, Dan Graziano, Iris Widman and Alan Koziol. The EDAW consultants described the current plan uses and proposals for the Edinger Corridor Specific Plan, including landscape and building facade improvements and branding.

Mayor Pro Tem Coerper inquired about a piece of property on the map that is in the City of Westminster. Manager Hess reported that this property would not be part of the plan. Councilmember Hardy asked how timelines for completion are defined. Manager Hess reported time frames stated as medium-term would be 10-15 years and long-term would be 20-plus years. Councilmember Cook asked about marketing studies done for the area in regards to commercial projects. Economic Development Director Stanley Smalewitz reported that no new studies have been completed. The EDAW consultants indicated there was a year 2000 study. Councilmember Cook suggested the City consider an updated study.

Mayor Sullivan inquired about zoning changes within the Specific Plan. Manager Hess reported on a general plan amendment, converting eight separate plans to one mixed-use plan. He stated a zoning map amendment and an environmental analysis would be required. He announced a Community Workshop in February and a Public Hearing at the end of February or the beginning of March. Councilmember Hardy inquired about flexibility with regards to changes in boundaries of mixed-use areas. Manager Hess reported a zoning map amendment would be required to change boundaries. Mayor Sullivan inquired about the size and the zoning of Gothard Street, and Manager Hess reported. Transportation Manager Bob Stachelski indicated the current width of Gothard Street is 80 feet. Mayor Sullivan thanked the presenters for their report.

**(City Council) Study Session #2 Held - Presentation of a Tiered Water Rate Structure Made by Irvine Ranch Water District's (IRWD) General Manager, Paul Jones (160.10)**

Public Works Director Robert F. Beardsley gave an overview of the subject and introduced Irvine Ranch Water District (IRWD) General Manager, Paul Jones. Mr. Jones gave a PowerPoint report titled *Irvine Ranch Water District's Allocation-Based Rate Structure*, which was announced earlier as a Late Communication. He spoke about urban runoff treatment, the diverse communities served by IRWD, and allocation-based rate structures.

Mayor Pro Tem Coerper asked when water conservation was implemented in the IRWD area. Mr. Jones responded that it was implemented in 1991, and reported on the program's development history. Councilmember Hansen asked how variance data is collected. Mr. Jones reported on assumptions made and refinements to the data. Councilmember Hansen inquired about over-users of water. Mr. Jones responded that typically, the over-users are customers who discover they have a leak.

Councilmember Green inquired about importing and pumping of water, and Mr. Jones indicated that the IRWD is similar to Huntington Beach with regards to importing and pumping of water. She asked about seasonal fluctuations and adjustments to allocations. Mr. Jones reported on results of the changed rate structures, stating dramatic decreases in water consumption were realized.

Councilmember Cook inquired if IRWD would have experienced additional water costs for imported water had conservation not increased. Mr. Jones responded, stating the cost would have been \$450 per acre-foot for imported water.

Mayor Pro Tem Coerper asked about base allocations listed on slide 6 of the PowerPoint report. Mr. Jones spoke regarding penalty fees for over-users and of low-volume user fees. He also described the fixed charges. Councilmember Hansen

inquired about allocation amounts and actual usage. Mr. Jones explained that a "buffer" is built into the allocation amount, and spoke regarding actual average usage. Councilmember Hansen also inquired if staffing requirements would increase in order to facilitate the program, and Mr. Jones responded in the affirmative.

Mayor Pro Tem Coerper asked about the number of "penalty tier" consumers, and Mr. Jones stated the percentage is small. Mayor Sullivan voiced concerns about the irrigation of lawns situated alongside sidewalks and parkways, and excess sprinkler water ending up in the gutter. He asked if the tiered pricing system encouraged consumers to be more efficient, and Mr. Jones reported in the affirmative.

A member of the public, Chuck Scheid, asked about fee penalties for those residents who grow flowers as a hobby. Mr. Jones noted that allowances could be made in the tiered pricing system for individual situations.

Mayor Sullivan thanked Mr. Jones for his presentation.

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

A motion was made by Green, second Coerper to recess to Closed Session on the following items. The motion carried by the consensus of all present, none absent.

**(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: One. On February 8, 2005, Mr. Rene Amezcua crashed his car into the landscape and irrigation facilities at the City's Blufftop Park located at Pacific and Golden West. The City spent \$126,000 to repair the equipment. Mr. Amezcua has made a settlement offer to be considered before the City files a lawsuit. Subject: **The Matter of City of Huntington Beach v. Amezcua** (120.80)

**(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with City Attorney regarding pending litigation of which 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. The City has received a request for defense from Pamela Houchen in the above-captioned case. Subject: **Garrison Scott Tarnow and Renee Tarnow v. Harvey DuBose; Stewart Title of California, Inc., Michael McDonnell; Pamela Houchen; Thomas Bagshaw, and Jr. Philip Benson Case No. 05CC05641** (120.80)

**(City Council) Closed Session** - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Consider Review of Benefits for the Fire Chief.** (120.80)

### **Reconvened City Council/Redevelopment Agency Meeting - 6:03 p.m.**

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

Present: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook.  
Absent: None.

**(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on January 17, 2006 (Pursuant to Government Code §54957.1) Regarding City of Huntington Beach v. Rene Amezcua; and, Regarding the Request for Defense Representation of Pamela Houchen.**

City Attorney Jennifer McGrath reported that on Tuesday, January 17, 2006 the City Council convened in Closed Session to discuss the matter of City of Huntington Beach versus Rene Amezcua. The City Council voted to enter into the following settlement agreement with Rene Amezcua:

Mr. Amezcua's insurer, Hawaiian Insurance, to pay the City \$10,000.

Mr. Amezcua to pay the City \$1,000.

Mr. Amezcua to pay the City an additional \$4,000 by June 20, 2006.

Council voted as follows: 7 Ayes; 0 Noes; 0 Abstentions.

City Attorney McGrath reported that on Tuesday, January 17, 2006 the City Council convened in Closed Session to discuss the matter of the request for defense representation of Pamela Houchen in the lawsuit *Garrison Scott Tarnow and Renee Tarnow v. Harvey DuBose; Stewart Title of California, Inc., Michael McDonnell; Pamela Houchen; Thomas Bagshaw, and Jr. Philip Benson*; Case No. 05CC05641.

The City Council voted to deny the request of Pamela Houchen for defense on the basis that none of the conduct alleged in the complaint was within the course and scope of her duties as a City Councilperson.

Council voted as follows: 7 Ayes; 0 Noes; 0 Abstentions.

**Pledge of Allegiance/Flag Salute** - Led by Bears Den Cub Scout Pack 435

**Invocation** - Led by Dan Deghi, First Christian Church of Huntington Beach

**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:

PowerPoint communication submitted by Irvine Ranch Water District (IRWD), dated January 17, 2006 and titled *Irvine Ranch Water District's Allocation-Based Rate Structure*.

PowerPoint communication submitted by Joan L. Flynn, City Clerk dated January 17, 2006 and titled *Office of the City Clerk, Advancement in Customer Service*.

Communication submitted by James C. Hughes of McKenna Long & Aldridge, LLP, Attorneys at Law dated January 17, 2006, titled *Bella Terra Shopping Center, Specific Plan No. 13, January 17th City Council Meeting, Proposed Zoning Text Amendment 05-03 to Specific Plan No. 13*.

Communication submitted by Howard Zelefsky, Director of Planning dated January 17, 2006 and titled *Revisions to Ordinance No. 3727*.

**The Following Communications Were Submitted During the Meeting:**

Communication submitted by Paul Cross dated January 14, 2006 and titled *DailyBreeze.com, Next Redondo Mayor will Inherit AES Decisions*.

Communication submitted by the Planning Department, undated, titled *Draft Edinger Corridor Specific Plan No. 14, City of Huntington Beach*.

**Presentation - Mayor Dave Sullivan, Mayor Pro Tem Gil Coerper, and Councilmember Cathy Green recognized members of the community who have contributed to the committee supporting the adopted 3rd Battalion 1st Marines of Camp Pendleton. (160.40)**

Mayor Sullivan reported on events held, care packages sent, and support lent to families of the 3/1 Marines. He recognized the following individuals/organizations for their contributions and presented them with a token of the City's appreciation: Cheryl Phillips, Hyatt Grand Resort Hotel; Betty Babcock, Waterfront Hilton; Michael Gagnet, Makar Properties; Steve Goldman, Huntington Beach Auto Dealers Association; Don Lundholm, Huntington Beach Rotary Club; Sandy Jacobs, representing Rainbow Disposal; Kreg Muller, Huntington Beach Police Officers Association; Ron Stocking, Huntington Beach Firefighters Association; Judy Demers, Huntington Beach Municipal Employees Association; Reverend Bruce Templeton and Dan Deghi, First Christian Church; Tina Bauer, Women's Auxiliary American Legion Post 133, and Cindy Cross. The Mayor spoke about events planned for the future and recognized Staff Sergeant Chris Pruitt for attending the meeting. Mayor Pro Tem Coerper and Councilmember Green read letters and cards sent by members of the 3/1.

**Mayor's Award - Mayor Dave Sullivan was joined by Public Works Director Robert F. Beardsley to present the Mayor's Award to Armando Brizuela, Senior Plan Checker in the Engineering Division. (120.70)**

Director Beardsley stated that Mr. Brizuela has provided tremendous service to the City since 1971.

## **PUBLIC COMMENTS**

**Steve Stafford** gave an update on the project where he lives, stating there are flooding problems and his neighbors are pumping water into each other's yards. He alleged the insurance provided by the developer and accepted by the City was invalid.

**Paul Cross** congratulated the Huntington Beach Conference and Visitors Bureau (HBCVB) on its newly published Visitors Guide. He noted there is no mention of the Poseidon Desalination Plant in the Guide. He voiced his opposition to the proposed desalination plant, and in favor of sustainable domestic energy sources that do not emit pollution. Mr. Cross urged Council to adopt a new strategic plan recognizing the potential of southeast Huntington Beach.

**Nuana Robinson**, affiliated with Wesley Park Neighbors Association, gave an update on a recent neighborhood meeting and on a meeting attended by Planning staff. She thanked the City Council for developing a compatibility overlay.

Councilmember Hardy asked the City Administrator if a Study Session pertaining to historic overlays is planned. City Administrator Penny Culbreth-Graft and Planning Director Howard Zelefsky reported a Study Session is scheduled for February 6, 2006 regarding neighborhood compatibility in general.

**(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's November 2005 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 November 2005.

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

A motion was made by Coerper, second Hardy to review and accept Shari Freidenrich, City Treasurer's November 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity*. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook  
NOES: None

**(City Council) A Demonstration of Granicus, An Internet Broadcasting/ Streaming Video Solution Which Will Enable The Public To View City Council Meetings Live and Archived Meetings Via the City's Website (160.10)**

City Clerk Joan L. Flynn gave a PowerPoint report titled *Office of the City Clerk, Advancement in Customer Service*, which was announced earlier as a Late Communication. She reported on facility and technology improvements to the City Clerk's office in the past eighteen months. She outlined the services offered to the public and to City staff, and described staff accomplishments including certifications being pursued, association memberships, and speaking opportunities. Clerk Flynn highlighted passport services offered by the Clerk's Office, asking the public to obtain their passports at City Hall.

City Clerk Flynn described the Granicus streaming video solution which enables the public to view City Council meetings live and archived, as well as other Channel 3 broadcasts via the City's website. Tom Spengler, CEO of Granicus, gave an overview of the product. He demonstrated how to "jump to" specific agenda items and how to access staff reports that were submitted to Council regarding these items. City Clerk Flynn thanked the Public Works Department, the Information Services Department, the City Administrator's Office, and Community Relations Officer Laurie Payne for their assistance.

**(City Council) Public Hearing Held - Approved Zoning Text Amendment (ZTA) No. 05-03 and Local Coastal Program Amendment (LCPA) No. 05-01. Directed Staff to Re-Introduce Ordinance No. 3726 as Amended to Include City Council Notification and Resolution No. 2006-3 as Amended (Amending Specific Plan No. 4 - Huntington Harbour Bay Club); Ordinance No. 3727 as Amended to Include City Council Notification (Amending Specific Plan No. 11 - McDonnell Centre Business Park); and Ordinance No. 3728 as Amended to Include City Council Notification and Appeal Relative to Phase II (Amending Specific Plan No. 13 - The Crossings) on February 6, 2006. (450.20)**

Mayor Sullivan announced that this was the time noticed for a public hearing to consider the following: APPEAL OF ZONING TEXT AMENDMENT NO. 05-03 AND LOCAL COASTAL PROGRAM AMENDMENT NO. 05-01 (SPECIFIC PLAN AMENDMENTS):

Applicant: City of Huntington Beach

Request: To amend the Specific Plan 4 (Huntington Harbour Bay Club), Specific Plan 11 (McDonnell Centre Business Park) and Specific Plan 13 (The Crossings) to include City Council notification and appeal language of the Planning Director's decision.

Location: Specific Plans 4, 11 & 13 Project Areas

Project Planner: Jason Kelley

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

Councilmember Hardy gave an oral report, stating her goal is to maintain Council accountability for decisions made. She suggested methods to further streamline City Council appeals.

City Administrator Penny Culbreth-Graft spoke regarding three specific plans and two categories of changes. She indicated there would not be a formal staff presentation, but that staff is prepared to answer Council inquiries.

Mayor Sullivan declared the public hearing open.

Prior to announcing the public speakers, City Clerk Joan L. Flynn restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by James C. Hughes of McKenna Long & Aldridge, LLP, Attorneys at Law dated January 17, 2006, titled *Bella Terra Shopping Center, Specific Plan No. 13, January 17th City Council Meeting, Proposed Zoning Text Amendment 05-03 to Specific Plan No. 13.*

Communication submitted by Howard Zelefsky, Director of Planning dated January 17, 2006 and titled *Revisions to Ordinance No. 3727.*

**Steve Stafford** stated he attended the Planning Commission meeting at the time this item was being discussed. He asked Council to approve the Staff Recommendation.

**Mike Adams**, representing the Huntington Beach Chamber of Commerce, asked Council to support the Planning Commission Recommendation and deny the appeal. He gave examples of documents produced in the application process, stating that the necessary information is included in these documents. Mr. Adams voiced his opposition to the changes requested.

**Devin Dwyer**, Planning Commissioner, spoke on behalf of the Commission and urged Council to deny the Staff Recommendation. He gave seven reasons why Council should support the Planning Commission Recommendation, stating the Staff Recommendation could lead to delays in projects and developers pursuing projects in other cities.

**Alan De Francis**, Boeing Company, voiced concerns regarding proposed changes to the Zoning Text Amendment. He enumerated businesses he said chose to locate within the City due to the existence of a Specific Plan. He urged Council to uphold the current Specific Plan and the flexibility it allows.

**James Hughes**, Counsel for Huntington Center Associates and Bella Terra Associates, voiced concerns with the proposed change to the Specific Plan. He indicated that the existing Bella Terra could not have been built with the proposed change to the Specific Plan. He also voiced concern with instability introduced by including an appeal process, especially related to the cost of delays in construction.

**Milton Swimmer**, developer of Bella Terra, stated his opinion the City would be making a mistake in approving the proposed amendment. He described modifications that were necessary for every tenant secured at the location. Mr. Swimmer also stressed the level of certainty necessary to secure quality tenants.

Councilmember Hardy asked Mr. Swimmer if Carmax was ever being considered as a tenant at the previous Montgomery Wards site. He replied in the affirmative. She then asked the City Administrator if Carmax could have been approved as a tenant without Council input. City Administrator Culbreth-Graft confirmed that possibility.

**Eric Sahn**, Vice President of Bella Terra Associates, thanked the previous speakers for their arguments against the proposed Zoning Text Amendments. He spoke regarding the potential loss of a quality tenant, and a delay in approving an application due to this appeal.

**Dick Harlow**, member of the Huntington Beach Chamber of Commerce Board of Directors, voiced his opinion on the importance of the existing Specific Plans. He asserted that portions of the plans are similar to Conditional Use Permits, requiring great specificity. Mr. Harlow urged Council to deny the Staff Recommendation.

Mayor Pro Tem Coerper inquired about any gross errors that have affected any projects pertaining to the Specific Plans under discussion. City Administrator Culbreth-Graft and Planning Director Zelefsky responded in the negative. The Mayor Pro Tem asked about any notice given to Council regarding a potential lessee. Director Zelefsky reported on notifications and discussions regarding the potential lessee. Mayor Pro Tem Coerper voiced his opinions pertaining to decision-making made by the Planning Commission, Planning Department staff and Council, and about levels of review. He further inquired about prior Council communication with CEQA and if amendments to a Specific Plan would nullify those actions. Director Zelefsky stated his opinion that it would not. Mayor Pro Tem Coerper stated his intention not to support the Zoning Text Amendment (ZTA) for reasons including the fact that the current system is working, and he does not want to discourage new businesses from coming into the City.

Councilmember Hardy spoke regarding discussions held with Bella Terra developers and suggested timelines for appeals and approvals. She stated her reasons for supporting the ZTA, and refuted comments made earlier by a public speaker regarding timelines of Council appeals. She asked Planning staff how many Specific Plans are within the City, and Planning Manager Scott Hess reported thirteen current Specific Plans and one pending. Councilmember Hardy noted that ten of the current Specific Plans contain appeal language, without negative consequences.

A motion was made by Hardy (no second) to approve the Staff Recommended Action, amended to direct the Planning Director to schedule the appeal within 30 calendar days of receipt, and Council's failure to act within 45 days shall be deemed as approval of the application.

Councilmember Green voiced concerns with Council's current limitations with regards to these Specific Plans, and reasons for supporting the Staff Recommended action. She suggested holding a Special Meeting if necessary to speed up the process. City Attorney Jennifer McGrath and City Clerk Joan L. Flynn reported on public notice requirements.

A motion was made by Green, second Cook to **(Substitute Motion)**: approve the Staff Recommendation as amended to add appeal language to Specific Plan No. 13 - The Crossings pertaining specifically to the previous Montgomery Wards site (Phase 2) at Bella Terra, regarding shops, restaurants and entertainment; and to accomplish the appeal process as quick as possible, while retaining the information component of the other projects. (Vote to follow)

Councilmember Hansen inquired if a project can be denied based solely on the type of business. Director Zelefsky reported that if a business fits within the description of approved uses, it cannot be denied. Councilmember Hansen asked for further definition of Specific Plan uses. He stated his understanding of the concerns as presented, and his confidence that developers will work with the City to accomplish successful projects. He urged Council to deny the ZTA.

Councilmember Cook spoke regarding redevelopment projects and the significance of Council making the final decision. She stated her reasons for supporting the Substitute Motion.

Councilmember Hardy stated her reasons for opposing the Substitute Motion, including her desire not to place special conditions on any particular project.

Mayor Pro Tem Coerper gave recognition to Planning Director Howard Zelefsky for his work over the years, listing Bella Terra as an example. He thanked him and Planning staff for their efforts.

Councilmember Bohr voiced his support for comments made by public speakers, asking the City Attorney how differences of opinion regarding Specific Plan uses are resolved. Attorney McGrath reported that currently there is no resolution process. Councilmember Bohr stated this issue is his reason for supporting the motion.

Councilmember Green voiced her opinion that property rights are of great importance, however, she stated concerns with developers' accountability to Council. She asked Mr. Harlow for any further comments. Mr. Harlow spoke regarding the process flow chart posted behind Council, stating his opinion that the proper place for an appeal would be early in the approval process.

Councilmember Hansen asked if the Maker of the Motion is agreeable to changing the point of appeal in the process, in the interest of saving developers' and tenants' time and money.

Mayor Pro Tem Coerper voiced concern that the ZTA will penalize Bella Terra, and Councilmember Green stated her Motion does not intend to do so. She also clarified that her interest is not in landscaping or curbs, but is ensuring high quality retail for the center.

Mayor Sullivan asked Mr. Swimmer if he cared to comment. Mr. Swimmer clarified statements he had made earlier, and spoke regarding the previous Montgomery Wards site. He voiced his intention to work with Council on tenant options for the site.

Councilmember Hardy complimented the Bella Terra developers for their open communication with Council. She suggested the developers present projects to Council early in the process rather than amending the motion to force the appeals requirement early. Councilmember Bohr voiced his concerns about a developer obtaining verbal approval from individual Councilmembers.

Councilmember Hansen reiterated his opposition to the Motion, stating concerns with obstacles for developers. Director Zelefsky reported on requirements for a large retail project in the City, including environmental and land use hurdles. Councilmember Green explained that the areas being discussed are redevelopment areas, and stated her opinion that Council should be involved in the approval process.

Councilmember Bohr voiced his concerns with discouraging retail development in the area. Mayor Pro Tem Coerper asked the City Attorney if a requirement exists for Council to have oversight in this process, and Attorney McGrath reported no State law requires such oversight.

Council voted on the Substitute motion. The **Substitute** Motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, and Cook  
NOES: Sullivan, Hardy, and Hansen

City Clerk Flynn asked for clarification on adoption of the amended ordinances. Attorney McGrath reported that the amended ordinances would be reintroduced to Council the first meeting in February.

### **SUGGESTED FINDINGS FOR APPROVAL**

#### **ZONING TEXT AMENDMENT NO. 05-03**

#### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves minor amendments to Specific Plan No. 4 (Huntington Harbour Bay Club), Specific Plan No. 11 (McDonnell Centre Business Park) and Specific Plan No. 13 (The Crossings), which do not change the development standards, intensity, or density of the affected project areas.

**SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 05-03:**

1. Zoning Text Amendment No. 05-03 to amend various sections of Specific Plan No. 4 (Huntington Harbour Bay Club), Specific Plan No. 11 (McDonnell Centre Business Park) and Specific Plan No. 13 (The Crossings) is consistent with the goals, objectives and policies of the General Plan because the amendment gives the applicant or the City Council a due process of the Director's decision and allows the City Council to be more involved in the implementation of the Specific Plans and have more control over the review of development projects.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment will apply to the project areas of Specific Plan No. 4 (Huntington Harbour Bay Club), Specific Plan No. 11 (McDonnell Centre Business Park) and Specific Plan No. 13 (The Crossings). The amendment will give the applicant or a City Council member a due process of the Director's decision and does not change the permitted land uses.
3. A community need is demonstrated for the proposed zoning text amendment. The proposed changes will provide the applicant or the City Council a due process of the Director's decision and allow the City Council to be more involved in the implementation of the Specific Plans and have more control over the review of development projects.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The amendment will result in the applicant's or City Council's ability to appeal decisions made by the Director of Planning. Additionally, it will allow the City Council to be more involved in the implementation of the Specific Plans and have more control over the review of development projects.

**SUGGESTED FINDINGS FOR APPROVAL**

**LOCAL COASTAL PROGRAM AMENDMENT NO. 05-01**

**SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM NO. 05-01:**

1. Local Coastal Program Amendment No. 05-01 amends the City's certified Local Coastal Program in accordance with Zoning Text Amendment No. 05-03 which modifies numerous sections of Specific Plan 4 to address the City Council's concern regarding notification and Council appeals.
2. Local Coastal Program Amendment No. 05-01 is in accordance with the policies, standards and provisions of the California Coastal Act. The changes to the Huntington Harbour Bay Club are administrative and do not affect the development standards.
3. The amendments conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the changes to the Specific Plan are administrative and do not change the development standards.

**Consent Calendar - Items Removed for Separate Discussion**

(City Council/Redevelopment Agency) Resolution 358 of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project (Merged Project Area) and Southeast Coastal Project Area.

(City Council) Annual Review of the City Code of Ethics - Last Approved February 2005 by Resolution 2005-8.

(City Council) Appropriation of \$30,000 to Fund a Consultant To Develop Design Concepts for City's Entry Nodes.

**Consent Calendar - Items approved**

A motion was made by Hardy, second Coerper to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook  
NOES: None

**(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65)** - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of December 19, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Approved Appropriation of \$121,276 for Reimbursement to the U.S. Department of Housing and Urban Development (HUD) Due to a Reclassification of 2001 and 2003 Funds From "Special Economic Development Activity" to "Public Service Activity" Relating to the Luis M. Ochoa Community Job Center (310.10)** - Approved appropriation of \$121,276 from unappropriated General Fund balance for wire transfer to reimburse the U.S. Department of Housing and Urban Development for over expenditure of Community Development Block Grant (CDBG) funds. Submitted by the Economic Development Director. Funding Source: Unappropriated General Fund balance.

**(City Council) Approved Contract Amendment No. 1 to CP-0208 Between the Orange County Sanitation District (OCSD) and the City of Huntington Beach for the Cooperative Projects Program Extending the Contract Timeline An Additional 4 Months, Thereby Allowing the OCSD to Reimburse the City \$550,000 in Grant Funds (600.25)** - Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 to the Orange County Sanitation District (OCSD) Cooperative Projects Program Contract No. CP-0208. Submitted by the Public Works Director. Funding Source: No funding is necessary for this action. Approval of the Amendment will allow the District to reimburse \$550,000 in grant funds back to the City.

**(City Council) Adopted Resolution No. 2006-1 Regarding an Amendment to the City's Classification Plan (700.10)** - Adopted Resolution No. 2006-1, A Resolution of the City Council of the City of Huntington Beach Amending the City Classification Plan by Adding the Job Specification for the Classification of Supervisory Control and Data

Acquisition (SCADA) Coordinator and Establishing Compensation and Reactivating the Classification of Painter Leadworker and Revising the Job Specifications for the Classification of Tree Equipment Operator and Deleting the Job Specification for the Classification of Preparator. Submitted by the Deputy City Administrator/City Services. Funding Source: Funding for proposed compensation is included in the FY 2005-06 budget.

**(City Council) Approved Amendments to Contracts with Willdan and Engineering Resources for Verizon Fiber-To-The-Premises (FTTP) Project and Appropriated Additional Funding** (600.10) - 1) Approved and authorized the Mayor and City Clerk to execute Amendment No. 2 with Willdan for Development Processing Services; and 2) Approved and authorized the Mayor and City Clerk to execute Amendment No. 1 with Engineering Resources of Southern California, Inc. for Plan Check and Development Processing Services; and 3) Appropriated and approved the expenditure of \$1 million to Public Works Development Services, Professional Services Account 10085251.69365. Submitted by the Public Works Director. Funding Source: Funds in the amount of \$550,000 are budgeted in General Fund, Public Works Development Services, Professional Services Account No. 10085251.69365. An appropriation of \$1 million is requested. Per the Reimbursement Agreement, Verizon will reimburse all City expenses. Revenue estimates will be increased to match the additional appropriation.

**(City Council) Approved License Agreement by and Between the City of Huntington Beach and Cannery Hamilton Properties, LLC for Encroachment into the Public Right-of-Way Located At The Southwest Corner of Magnolia Street and Hamilton Avenue** (600.10) - Approved and authorized the Director of Public Works to execute the License Agreement by and between the City of Huntington Beach and Cannery Hamilton Properties, LLC, for encroachment into the public right-of-way. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

**(City Council/Redevelopment Agency) Approved Resolution 358 of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project (Merged Project Area) and Southeast Coastal Project Area** (310.30)

The City Council considered a communication from the Finance Officer and the Economic Development Director/Deputy Executive Director transmitting the following **Statement of Issue:** The Redevelopment Agency of the City of Huntington Beach incurs debt that allows it to receive tax increment revenue in accordance with California Community Redevelopment law. The Agency is required to file an annual statement to document this debt with the County of Orange Auditor/Controller. This statement is also needed for audit purposes and to keep the City Council informed of the changes in the debt owed the City by the Redevelopment Agency for the merged Huntington Beach Project Area and the Southeast Coastal Project Area. The debt at September 30, 2005 will be as follows: Merged Project Area - \$86,867,913; Southeast Coastal Project Area - \$7,294,186; Total Debt - \$94,162,099

Mayor Sullivan requested that this agenda item be removed from the Consent Calendar to remind Council the southeast redevelopment area is separate from other redevelopment areas, and this separation is supported by residents of the southeast redevelopment area.

A motion was made by Sullivan, second Coerper to adopt Resolution 358, *A Resolution of the Redevelopment Agency of The City of Huntington Beach Amending The Agency Debt Pursuant To The Operative Agreement Between The City of Huntington Beach and The Redevelopment Agency of The City of Huntington Beach For The Huntington Beach Redevelopment Project, And 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 motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook  
NOES: None

**(City Council) Annual Review Made of the City Code of Ethics - Last Approved February 2005 by Resolution 2005-8 (110.40)**

The City Council considered a communication from Mayor Sullivan transmitting the following **Statement of Issue:** At the City Council meeting of October 4, 1993, Resolution No. 6524 was adopted approving a Code of Ethics (Code) for all elected officials, officers, employees, advisory board members, commissions, and committees. The Code of Ethics was amended in November of 1993 by Resolution 6540. It was amended again in August of 2003 by Resolution 2003-51, in January of 2004 by Resolution 2004-2, and most recently in February of 2005 by Resolution 2005-8. The Code of Ethics specifies that an annual review of the Code should occur each January.

As stated in the Code, its purpose is "to set a standard of conduct for all elected officials, officers, employees, and members of advisory boards, commissions, and committees of the City of Huntington Beach." The Mayor, City Administrator, and Chairpersons are responsible for accomplishing this annual review.

With this memorandum, I am formally presenting the Code to the City Council, City Administrator, Chairpersons, and City Department Heads for their review and distribution as specified. Copies of the Code of Ethics as attached will be distributed to Department Heads and the Chairs of City Boards, Commissions, and Committees. They will, in turn, present the code to their respective employees and members. The copy of the Code of Ethics as attached reflects all the amendments identified above.

Mayor Sullivan requested that this agenda item be removed from the Consent Calendar to report on the intent of Council when the Code was initiated. He highlighted portions of the Code, including those regarding gifts and conflicts of interest.

A motion was made by Sullivan, second Coerper to direct the City Clerk to record in the official minutes that the Code of Ethics was presented to the City Council, the City Administrator, Chairpersons, and City Department Directors for their review and distribution as required. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook  
NOES: None

**(City Council) Authorized Appropriation of \$30,000 to Fund a Consultant To Develop Design Concepts for the City's Entry Nodes (800.95)**

The City Council considered a communication from the Economic Development Director transmitting the following **Statement of Issue**: The Urban Design Element to the City's General Plan identified the existing condition of several of the City's entry points (Entry Nodes) as needing stronger definition. Staff has completed a Request for Proposal process and is ready to select a design professional. However, this process occurred after the City's 2006 budget was approved and no General Fund monies exist in the Economic Development Department for this purpose. Accordingly, an appropriation of \$30,000 is hereby requested. Funding Source: Unappropriated General Fund Balance, Fund 100, to Business Unit 10080101.69365.

Councilmember Hardy requested that this agenda item be removed from the Consent Calendar to speak on the topic of Huntington Beach logos, and to state her interest in incorporating the City logo on the entry nodes. Councilmember Bohr confirmed that one of the three logo options will be the existing logo.

Mayor Pro Tem Coerper asked for clarification on entry nodes. Councilmember Bohr gave an explanation. Mayor Sullivan stated his support for using the logo from the City of Huntington Beach flag.

A motion was made by Hardy, second Bohr to authorize appropriation of \$30,000 from the unappropriated General Fund balance. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook  
NOES: None

City Administrator Penny Culbreth-Graft clarified the logo on the current entry signs is not the official City logo. Councilmember Hardy stated her preference for the "HB" four-cell logo, which appears on the City flag.

**(City Council) Adopted Resolution of Intent No. 2006-2 and Approved for Introduction Ordinance No. 3725 Amending the Contract with CALPERS to Provide Pre-Retirement Optional Settlement 2 Death Benefit for Local Safety Members as Identified in Government Code Section 21548 (700.50)**

A motion was made by Bohr, second Hardy to:

1. Adopt Resolution of Intent No. 2006-2 - *"A Resolution of the City Council of the City of Huntington Beach: Stating the City Council's Intention to Approve an Amendment to the Existing Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Huntington Beach - AND - Providing Notice That On February 6, 2006, The City Council Will Consider Adoption of Ordinance No. 3725 Approving Said Contract Amendment; The Subject Matter Being the Provision of Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit for Public Safety Members"; and*

2. After the City Clerk reads by title, approve for introduction Ordinance No. 3725 - *"An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Huntington Beach Regarding the Provision of Pre-Retirement Optional Settlement 2 Death Benefits for Public Safety Members."* Return to City Council for second reading and adoption on February 6, 2006; and

3. Authorize the City Clerk to execute the Certification of Governing Body's Action and the Certification of Compliance with Government Code Section 7507; and

4. Authorize and approve the Mayor to execute CALPERS Resolution of Intention (Form #CON-302). The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, Hansen, and Cook  
NOES: None

**Adjournment - City Council/Redevelopment Agency**

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:57 p.m. to Monday, January 23, 2006, at 3:00 p.m., at Central Library Room C & D, 7111 Talbert Avenue, Huntington Beach, California.

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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:**

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City Clerk-Clerk

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Mayor-Chair