

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

Tuesday, February 21, 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.**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m. in room B-8 due to a lack of quorum.

Call to Order

Mayor Sullivan called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:33 p.m. in Room B-8.

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

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.

Communication submitted by Public Works Utility Department, undated and untitled, which includes five slides added to the PowerPoint presentation titled *Water Master Plan Update - February 21, 2006*.

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

(City Council/Redevelopment Agency) Study Session Held - Presentation Given by the Department of Public Works Regarding The Water Master Plan Update (1000.50)

Public Works Director Robert F. Beardsley introduced Principal Civil Engineer Duncan Lee and Utilities Manager Howard Johnson who he stated would present the topic. Engineer Lee gave a PowerPoint report titled *Water Master Plan Update - February 21, 2006*, which was included in the agenda packet and updated with five additional slides via a Late Communication. The report conveyed an overview of the Water Master Plan Update document describing historical production and consumption, supply, storage, distribution, capital facilities finance plan, and water rate structures.

Councilmember Cook inquired about excess water used by the City's infrastructure, and Manager Johnson replied approximately 6%. Manager Johnson spoke regarding the Water Rate Study, describing three options: conservation-based tiered rates, conservation-based seasonal rates, and uniform rates (the current structure). He enumerated advantages and disadvantages of each type of rate structure.

Councilmember Hardy inquired about additional staff required to implement a tiered rate structure, and Manager Johnson reported perhaps fifteen individuals added to staff to develop the system, five or six additional individuals added to full time staff long-term. He recommended a water fund reserve policy be formally established.

Director Beardsley described the next steps after this meeting: adopt the Master Plan Update in Spring 2006; develop a rate structure in Spring-Summer 2006; and to hold the public hearing and adopt the revised rate ordinance in Summer 2006.

Councilmember Green inquired about conservation and single-family homes. Manager Johnson reported conservation success with this type of customer, stating that the usage is generally well below the County average. She asked if the tiered rate structure would save money, considering the added staff and changes to the billing structure. Manager Johnson responded, stating there is no definitive answer. She voiced concerns with seasonal rate increases in relation to children and increased water use in the summertime. Director Beardsley stated he would forward a sampling of single-family residence bills to the Councilmembers for their review.

Mayor Pro Tem Coerper asked if water rates would increase, and Director Beardsley reported possibly, and that the public would be informed by public hearing. Councilmember Hardy voiced support for allocation-based rate structures such as that used by the Irvine Ranch Water District (IRWD), stating her opinion that this type of structure is the most fair and the most conservation inducing.

Councilmember Hansen asked if staff could project the amount of water conservation savings realized by tiered rate structures. Manager Johnson agreed to work with consultants to gather the information requested and report back to Council. Councilmember Cook stated her support for allocation-based rate structures and for revising the Landscape Code. Mayor Sullivan suggested the Utilities' Department continue discussions with IRWD and schedule an additional Study Session to present any new information. City Attorney Jennifer McGrath stated tiered or allocation-based rate structures are acceptable for the City, and that more research is necessary after receiving Council guidance. Councilmember Hansen asked about timelines for approval and Director Beardsley reported that an automatic rate increase is in place if the timeline is delayed.

Motion to Recess to Closed Session - Approved

A motion was made by Coerper, second Hardy 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 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters - meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA, and Non-Associated.** Subject: **Labor Relations - Meet and Confer.** (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Finance Director** (120.80)

(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 **Serena King, Individually, and as Guardian Ad Litem for her minor children, Anthony Michael Pagnatori and Keriann King, vs. City of Huntington Beach, et al., OCSC Case No. 03CC07408.** Subject: **Serena King, Individually, and as Guardian Ad Litem for her minor children, Anthony Michael Pagnatori and Keriann King, vs. City of Huntington Beach, et al; OCSC Case No. 03CC07408.** (120.80)

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

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

Pledge of Allegiance/Flag Salute - Led by Cub Scout Pack 463 from Carden Academy in Huntington Beach.

Invocation - Led by Mayor Dave Sullivan

The City Clerk Announced Late Communications

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

Communication submitted by Norm Westwell dated February 20, 2006 titled *Communication for Item G-2a* urging the Council to oppose approval of agenda item G-2a, Ordinance No. 3731 (Moratorium on Demolition Permits for the Wesley Park Area).

Communication submitted by Penelope Culbreth-Graft, City Administrator dated February 17, 2006 titled *Approve Zoning Text Amendment No. 05-03 for the Crossings Specific Plan (Bella Terra) - Request for Council Action (Staff Report w/Attachments) - Introduction and Subsequent Approval of Ordinance No. 3728, An Ordinance of the City of Huntington Beach Amending Specific Plan 13 (The Crossings At Huntington Beach Specific Plan) by Adding City Council Notification and Appeal Language to Sections 2.0 - Administration, 2.3 - Site Plan Review and 2.4 - Parcel Maps (Zoning Text Amendment No. 05-03)*

Communication submitted by Public Works Utility Department, undated and untitled, which includes five slides added to the PowerPoint presentation titled *Water Master Plan Update - February 21, 2006*.

The Following Communications Were Submitted During the Meeting:

Communication submitted by Gerald Chapman, undated and untitled, which includes copies of photos illustrating block walls in various parts of the City.

Communications submitted by Robert Valeski dated February 13, 2006 and titled *Public Improvements-Brush Drive* and undated, titled *Statement of Facts*, which is a petition with six signatures.

Communication submitted by Nancy Donovan, undated, titled *Full Page Chevron Advertisement in Los Angeles Times, September 20, 2005*.

PowerPoint report submitted by Nuana Robinson, undated, titled *Huntington Beach Historical District Proposal*.

(City Council) Deferred to March 6, 2006 - Introduction of Ordinance No. 3728 Amending Specific Plan No. 13 - The Crossings at Huntington Beach (Bella Terra) by Adding City Council Notification and Appeal Language to Sections 2.0 (Administration), 2.3 (Site Plan Review), and 2.4 (Parcel Maps) and Adding a Legal Description and Limit the Application of the Amendment to the Montgomery Ward's Parcel (Phase 2) - (Zoning Text Amendment No. 05-03) (450.30)

Mayor Sullivan announced this agenda item would be deferred to March 6, 2006 at the request of the City Administrator.

Presentation - Mayor Dave Sullivan called on Human Relations Task Force Chair Alan Chancellor to present the Affirmation of the Declaration of Policy on Human Dignity in celebration of the Tenth Anniversary of the Huntington Beach Human Relations Task Force. The Affirmation was signed by all City Council Members to demonstrate their commitment to the mission of the Human Relations Task Force of "promoting and celebrating diversity in the community through educations and understanding." (160.40)

Mr. Chancellor recognized Mayor Sullivan, Ralph Bauer, Shirley Dettloff, Fred Provencher, Mary Urashima, and Council Liaisons Councilmember Cook and Mayor Pro Tem Coerper. He announced a panel on diversity in our community would be held at 7 p.m. February 23, 2006 in the Council Chambers.

Presentation - Mayor Dave Sullivan called on Public Works Director Robert Beardsley and presented him with a proclamation for National Engineer's Week. (160.40)

Director Beardsley announced Principal Environmental Engineer Geraldine Lucas was awarded the "2005 Government Engineer of Merit" from the Orange County Chapter of the American Society of Civil Engineers.

Mayor's Award - Mayor Dave Sullivan was joined by City Administrator Penny Culbreth-Graft to present the Mayor's Award to Patti Fogarty, Executive Assistant for the City Administrator. (160.40)

Administrator Culbreth-Graft recognized Patti for her exceptional administrative and interpersonal skills. She noted that Patti became a City employee in 1971 and has been an Executive Assistant for ten different City Administrators. Mayor Sullivan stated his appreciation for her services on behalf of Councilmembers.

Public Comments

Doug Turner spoke regarding his experiences growing up in Huntington Beach, especially in regards to attending entertainment events, and asked why the City does not currently have a venue similar to the Golden Bear Nightclub that was closed in the late 1980's.

Gerald Chapman spoke regarding block walls and the City's design guidelines. He referred to a Late Communication he had submitted earlier to Council and stated concerns with specific block walls. Mr. Chapman asked the City Council why the County is not required to adhere to the City's design guidelines.

Barbara Sullivan spoke in support of the proposed demolition permit moratorium in the Wesley Park area. She read from an article she stated appeared in the *Los Angeles Times* that addressed historical structures. Ms. Sullivan urged Council to approve the moratorium.

Brian Sullivan spoke in support of the proposed demolition permit moratorium and asked Council to approve it.

Dave Shenkman invited Council to the 10th Annual Kite Festival being held on March 4th and 5th near the Pier. He also thanked Community Services Director Jim Engle and Marine Safety Division Chief Kyle Lindo for their assistance with the event.

Robert Valeski, Brush Drive resident, stated there are new findings regarding the Brush Drive reconstruction project. He distributed two handouts and asserted some residents have asked to have their names removed from the Save The Trees petition. Mr. Valeski noted the petition now represents only approximately 42% of the residents, and urged Council to revisit the issue.

Nuana Robinson, affiliated with Wesley Park residents, urged Council to approve the proposed moratorium on demolition permits in Wesley Park. She gave a PowerPoint report illustrating the condition of the neighborhood and negative changes that could occur in the absence of an overlay district.

Nancy Donovan thanked Council for reaffirming the Declaration of Human Dignity. She spoke regarding a *Los Angeles Times* advertisement from September 2005 placed by the Chevron Corporation. Ms. Donovan submitted a communication stating her opposition to approving a desalination plant in Huntington Beach at this time, and urged Council to hold out for a more advanced facility.

Tim Geddes, southeast resident, spoke in opposition to the proposed Poseidon Desalination Plant. He listed his qualifications to speak on the matter, and asked Council to deny the project.

(City Clerk) Mayor Sullivan Requested Staff Place a Hold on Brush Drive Work in Light of Tonight's Public Speaker Comments (120.90)

Mayor Sullivan requested staff place a hold on Brush Drive work at this time. City Administrator Culbreth-Graft and Public Works Director Beardsley reported the work can be placed on hold pending further Council direction. Councilmember Hansen stated he would consider bringing the item back to Council for discussion at a later date.

(City Council) Mayor Pro Tem Coerper and Councilmember Green Reported on Measure M. (120.20)

Mayor Pro Tem Coerper reported on Measure M as the Council liaison to the subcommittee. He described the purpose of the subcommittee, the draft plan, and asked the public to give their input on the plan. He encouraged attendance at a community workshop schedule for February 22, 2006, 5:00-7:00 p.m., in Room B-8. He announced further information could be obtained online at www.OCTA.net. Councilmember Green reported on the funds used in Huntington Beach for arterial street improvements and encouraged citizens to vote in favor of the Measure M tax renewal this fall. Mayor Pro Tem Coerper thanked the City Administrator and staff for their assistance.

(City Council) Public Hearing Held - Approved the Proposed Amendment to the City's Housing and Urban Development (HUD) Consolidated Plan for Submittal to the U. S. Department of Housing and Urban Development (HUD) for Use of \$400,000 in Community Development Block Grant (CDBG) Unprogrammed Funds for Design and Construction of the Michael Drive Storm Drain (340.70)

Mayor Sullivan announced that this was the time noticed for a public hearing to consider the following:

The City is required to hold a public hearing and amend its Consolidated Plan as submitted to the U.S. Department of Housing and Urban Development (HUD) when a significant change to the Plan is being considered. The Citizens Participation Advisory Board (CPAB) recommends use of \$400,000 in Community Development Block Grant (CDBG) Unprogrammed funds for design and construction of the Michael Drive Storm Drain Project.

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

Economic Development Director Stanley Smalewitz gave a PowerPoint report. Mayor Sullivan asked for clarification on the impact approval of this item will have on money set aside for social programs. Director Smalewitz explained that there would be no impact.

Mayor Sullivan declared the public hearing open.

The City Clerk announced no Late Communications were received by her office pertaining to this agenda item.

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 Bohr to approve an amendment to the Consolidated Plan by appropriating \$400,000 of Community Development Block Grant (CDBG) Unprogrammed Funds for the Michael Drive Storm Drain Project. The motion carried by the following roll call vote:

AYES: Bohr, Green, Coerper, Sullivan, Hardy, and Hansen
NOES: None
ABSENT: Cook (Councilmember Cook was out of the room at the time of the vote.)

(City Council) Public Hearing Held - Adopted Resolution No. 2006-8 to Extend the Expiration Date to December 2009 of the Beach Boulevard Underground Utility District No. 00-01 (Beach Boulevard between Yorktown Avenue and Pacific Coast Highway). (350.20)

Mayor Sullivan announced that this was the time noticed for a public hearing to consider the following:

A resolution is required to extend the deadline to complete the underground utility district, within the public right-of-way, along Beach Boulevard between Yorktown Avenue and Pacific Coast Highway.

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

Principal Civil Engineer Terri Elliot gave an oral report.

Mayor Sullivan declared the public hearing open.

The City Clerk announced no Late Communications were received by her office pertaining to this agenda item.

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 Green, second Hardy to adopt City Council Resolution No. 2006-8 - "*A Resolution of the City Council of The City of Huntington Beach Amending The Beach Boulevard Underground Utility District No. 00-01.*" The motion carried by the following roll call vote:

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

Consent Calendar - Items Removed for Separate Discussion

(City Council) Promotional Agreement With Pam Free and Toni Groat, dba Pier Plaza Art A-Faire, to Operate the Downtown Arts and Crafts Fair at Pier Plaza.

(City Council) 2006 Action Plan of the Community Services Department Project Self-Sufficiency Program.

Consent Calendar - Items Approved

A motion was made by Green, 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

Councilmember Bohr abstained from the January 3, 2006 Regular Meeting minutes.

(City Council/Redevelopment Agency) Approved and Adopted Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meeting of January 3, 2006 (pulled from the 2/6/06 agenda); City Council/Redevelopment Agency Adjourned Regular Meeting of January 9, 2006 (pulled from the 2/6/06 agenda); City Council/Redevelopment Agency Regular Meeting of January 17, 2006; City Council/Redevelopment Agency Adjourned Regular Meeting of January 23, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council/Redevelopment Agency) Received and Filed City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between October 1, 2005 and December 31, 2005 (100.30) - Received and filed the List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk During the Period October 1, 2005 to December 31, 2005. Submitted by the City Clerk. Funding Source: Not Applicable.

(City Council) Accepted Bid and Awarded Construction Contract to West Valley Construction Company, Inc. for the 42-Inch Water Transmission Main Slip-Lining Project, CC-1273 (Hampshire Drive, Hallcroft Lane, and Varsity Drive) (600.75) - 1) Approved plans and specifications; and 2) Accepted the lowest responsive and responsible bid submitted by West Valley Construction, Inc., in the amount of \$1,770,822.50; and 3) Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds are budgeted in the Water Fund, Water Main Replacement, Account 50691006.82100. The engineer's cost estimate for this contract was \$1,300,000, however, the bid result was approximately \$500,000 over estimate. With contingency and supplemental expenses, the full project cost will be approximately \$2,040,000. The additional funds are available in the Water Fund.

(City Council) Accepted Bid and Awarded Construction Contract to All American Asphalt for the 04/05 Arterial Rehabilitation and Downtown Street Overlay Project - Phase 2, CC-1223 (600.50) - 1) Approved plans and specifications; and 2) Accepted the lowest responsive and responsible bid submitted by All American Asphalt, in the amount of \$2,524,136.60 for the 04/05 Arterial Rehabilitation and Downtown Street Overlay Project - Phase 2, CC-1223; and 3) Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds for this project are budgeted through the Gas Tax Fund, Street Improvements Account No. 20790008.82300. The engineer's cost estimate for this construction contract, without the additive bids, was \$1,925,700. The total project cost will be approximately \$2,795,000. Sufficient funds are available in the account to complete the project.

(City Council) Authorized Staff to Renew the City's Subscription to the eCivis Grants Locator Service Scheduled to Expire in March, 2006 (600.10) - Authorized staff to renew the City's subscription to the eCivis Grants Locator Service for one additional year. Submitted by the City Administrator. Funding Source: Funds in the amount of \$23,874 are available in General Fund Account #10030201 (Intergovernmental Relations).

(City Council) Approved Employment Agreement Between the City of Huntington Beach and Dan Vilella as Finance Director (600.10) - 1. Approved the appointment of Dan Vilella to the position of Finance Director; and 2. Approved and authorized the City Administrator to execute the Employment Agreement between the City of Huntington Beach and Dan Vilella to the position of Finance Director. Submitted by the Deputy City Administrator. Funding Source: Funds are available for this position in the current 2005/06 fiscal year budget.

(City Council) Approved Promotional Agreement With Pam Free and Toni Groat, dba Pier Plaza Art A-Faire, to Operate the Downtown Arts and Crafts Fair at Pier Plaza (600.10)

The City Council considered a communication from the Economic Development Director transmitting the following **Statement of Issue**: The Department of Economic Development has an approved Conditional Use Permit to operate the weekly Downtown Arts and Crafts Fair at Pier Plaza. Operating under a monthly Special Permit issued by the Community Services Department, Pam Free and Toni Groat have been successfully running this event since 2000. The Promotional Agreement will more substantially quantify the City's relationship with these two Huntington Beach residents for the continued operation of the weekly Downtown Arts and Crafts Fair at Pier Plaza. Funding Source: Not Applicable; Consultant pays monthly fees to the City.

Councilmember Bohr requested this agenda item be removed from the Consent Calendar to inquire about hours of operation and the Conditional Use Permit. He also asked if the vendors could be encouraged to remain open later than 5:00 p.m. Community Services Director Jim Engle reported the hours of operation are designated, but may vary due to inclement weather. He stated he would make a request to the organizers for later closing hours. Councilmember Bohr asked if items for sale are inspected to determine if they are handmade and if the City receives sales tax revenue from the vendors. Director Engle stated it has been over a year since the last inspection, and he was unable to comment on the collection of sales tax.

Mayor Pro Tem Coerper asked if vendor locations are monitored and requested the vendor tents not encroach on the restaurants. Director Engle replied, stating that the locations are monitored and the Specific Events Coordinator will facilitate enforcement.

A motion was made by Bohr, second Hardy to:

- 1) Approve Promotional Agreement Between the City of Huntington Beach and Pam Free and Toni Groat, DBA Pier Plaza Art A-Faire For Promotion and Management of the Arts and Crafts Fair at Huntington Beach Pier Plaza; and
- 2) Authorize execution of the Promotional Agreement by the Mayor and City Clerk. The motion carried by the following roll call vote:

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

(City Council) Approved the 2006 Action Plan of the Community Services Department Project Self-Sufficiency Program (570.50)

The City Council considered a communication from the Director of Community Services transmitting the following **Statement of Issue:** The Project Self-Sufficiency Program, coordinated by the Community Services Department, prepares and updates its Action Plan annually describing the mission, goals, and objectives of the program for Council approval.

Councilmember Green requested this agenda item be removed from the Consent Calendar to report that her name is misspelled in the 2006 Action Plan.

A motion was made by Green, second Coerper to approve the 2006 Action Plan of the Community Services Department Project Self-Sufficiency Program. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3729 Amending Ordinances Nos. 3653 and 3663 By Deleting the Administrative Appeal Procedure, and Permitting Taxpayers to Directly Appeal to Superior Court Any Denial of Property Tax Refund Claims Filed in Connection With the Case Entitled Howard Jarvis Taxpayers Association v. City of Huntington Beach, Orange County Superior Court Case No. 818780 (630.50)

A motion was made by Green, second Hardy to after the City Clerk read by title, adopt Ordinance No. 3729 - *An Ordinance of the City of Huntington Beach Amending Ordinance Nos. 3653 and 3663 by Deleting the Administrative Appeal Procedure, and Permitting Taxpayers to Directly Appeal to Superior Court Any Denial of Property Tax Refund Claims Filed in Connection With the Case Entitled Howard Jarvis Taxpayers Association v. City of Huntington Beach, Orange County Superior Court Case No. 818780.* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3726 Amending Specific Plan No. 4 - Huntington Harbour Bay Club by Adding City Council Notification Language to Section 3.7 - Specific Plan Amendments (Zoning Text Amendment No. 05-03) (450.20)

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, adopt Ordinance No. 3726 - *An Ordinance of the City of Huntington Beach Amending Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) By Adding City Council Notification Language to Section 3.7 - Specific Plan Amendments (Zoning Text Amendment No. 05-03.)* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3727 Amending Specific Plan No. 11 McDonnell Centre Business Park by Adding City Council Notification Language to Sections 3.0 - Administration, 3.4 - Parcel Maps, and 3.5 - Site Plan Review (Zoning Text Amendment No. 05-03) (450.20)

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, adopt Ordinance No. 3727 - *An Ordinance of the City of Huntington Beach Amending Specific Plan 11 (McDonnell Centre Business Park Specific Plan) By Adding City Council Notification Language to Sections 3.0 - Administration, 3.4 - Parcel Maps, and 3.5 - Site Plan Review (Zoning Text Amendment No. 05-03.)* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3730 Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 05-02) (450.20)

A motion was made by Coerper, second Hardy to after the City Clerk reads by title, adopt Ordinance No. 3730 - *An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Titled Site Standards.* The motion carried by the following roll call vote:

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

(City Council) Motion Failed to Approve for Introduction Ordinance No. 3731 Imposing a 45-Day Moratorium on Issuance of Demolition Permits for the Wesley Park Area (440.70)

A motion was made by Cook, second Hardy to after the City Clerk reads by title, approve introduction of Ordinance No. 3731 – *Interim Ordinance of the City of Huntington Beach Imposing a Moratorium On Demolition Permits For the Wesley Park Area.* (Vote to follow discussion.)

Councilmember Hansen spoke regarding the community meeting he attended that addressed this issue. He stated some residents who attended the meeting had concerns with the overlay and with their ability to alter their properties. He voiced his opinion that the support for the moratorium is not universal. He advised Council to be cautious if proceeding with the moratorium, and stated his opposition.

Councilmember Green stated that she also attended the community meeting, and found most residents agreed regarding third story homes, repairs in alleys, and the method to "opt out" of the overlay district. She voiced her support for the moratorium and asked if any demolition permits are pending. Planning Director Howard Zelefsky and Permit and Plan Check Manager Gerald Caraig reported no demolition permit applications are pending.

Councilmember Bohr concurred with comments made by Councilmember Hansen and stated his concern with using a moratorium as part of the process at this time. He stated he would oppose the Recommended Action. Mayor Pro Tem Coerper stated his intention not to support the Recommended Action. He asked for more information from the residents who support and oppose the moratorium. Councilmember Hardy voiced her support for the moratorium as a temporary step to finding a solution and for the rights of all residents.

Councilmember Cook voiced her support for the moratorium. Councilmember Green stated her support for the moratorium, announcing that the area involved is a small area and the residents are agreeable. Councilmember Hansen addressed comments made by Councilmember Green, asking Director Zelefsky to clarify the difficulty of creating overlays that encompass only portions of a neighborhood.

Councilmember Green asked for a member of the public, Nuwana Robinson, to comment. Ms. Robinson described her impression of the community meeting, petition requirements, and map boundaries. She stated 82 homes were within the original overlay, and asked for direction on how to achieve her goals.

Councilmember Hansen emphasized his opposition to forcing limits on the rights of property owners. Councilmember Bohr voiced concerns with a 45-day limit and extensions, with the boundaries of the district, and with petition signers.

Mayor Pro Tem Coerper asked if the Maker of motion would consider withdrawing until further information is obtained. Councilmember Green asked staff about time required to complete the report. Planning Director Zelefsky reported on public outreach, development of standards and of boundaries, and Planning Commission review. He reported a draft report could be created in 45 days, but would not be legally effective.

Council then voted on the original motion. The motion **failed** by the following roll call vote:

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

(City Council) Approved One-Time Waiving of \$3,980 in Fees for the Friends of Huntington Youth Shelter for the Light A Light of Love Holiday Program and Holiday Parade (960.20)

The City Council considered a communication from Councilmember Green transmitting the following **Statement of Issue**:

Since 1998, the Friends of Huntington Youth Shelter (FHYS) have worked with the city to decorate the Municipal Pier and part of Main Street during the holiday season with decorative snowflake lights. The original proposal was for the Friends group to purchase the lights and the Public Works Department to install, maintain, and take down the fixtures at no cost.

In 2002, due to the fiscal constraints of the city, FHYS paid half or \$2,283 of the lighting-related costs. In 2003, the city waived all of the lighting-related costs, and the Friends paid for activities related to the lighting ceremony at Pier Plaza. In 2004, the Friends were going through restructuring due to the temporary closure of the Youth Shelter, but still wanted to maintain this holiday tradition for the city. During that year, checks from donors totaling \$2,350 were deposited into a city revenue account to offset the cost, which was a total of \$3,685.

The total city cost relating to the holiday lights, lighting ceremony and parade for 2005 is \$3,980. FHYS is asking the city to waive these city-related fees.

In addition to working with the city, FHYS also collaborated with the Downtown Huntington Beach Business Association (DBA) to improve the decorations on Main Street. The DBA purchased 24 pennants and two banners which city crews installed. The FHYS and DBA are also requesting that the \$1,252 in city-related costs for the installation of these items be waived.

Without the effort of the Friends of Huntington Youth Shelter and the Downtown Huntington Beach Business Association, the city would have no holiday decorations or holiday event in the downtown. Because these are the only holiday decorations that the city displays and since they decorate the city's most famous landmark--the Municipal Pier--as well as part of Main Street, I strongly believe that the city should cover the city-related costs for lights, lighting ceremony, and parade for both organizations. This partnership further promotes the city's goal of becoming a destination attraction.

Councilmember Green gave an oral report.

A motion was made by Green, second Coerper to approve waiving of \$3,980 in fees for the Friends of Huntington Youth Shelter and \$1,252 for the Downtown Huntington Beach Business Association for the City's holiday lights, lighting ceremony, and parade downtown and on the Pier. (The motion was subsequently replaced by an Alternate Motion.)

Councilmember Cook voiced her concern about the fundraising required of the 4th of July Board. She stated her preference that a process for waiving fees is set up to give equal opportunity to all groups within the City.

Councilmember Bohr asked why the City doesn't just provide the service directly, without the Youth Center's involvement. Community Services Director Jim Engle reported on the recent history of City holiday decorations at the Pier, and the involvement of the Youth Board.

Mayor Pro Tem Coerper asked if the decorations would become the property of the City, and Director Engle stated that decorations could be purchased by the City. Councilmember Cook asked for specifics on the 4th of July Board's shortfall last year. Director Engle reported on last year's \$100,000 plus shortfall. Councilmember Cook stated her intention to return to Council with an item asking for reimbursement to the 4th of July Board, if this item is approved tonight.

Councilmember Hardy concurred with the comments made by Councilmember Cook, and stated her intention to oppose the Recommended Action.

Mayor Sullivan asked for clarification on the expenses specified in the Recommended Action. Director Engle reported the expenses are all for services provided by Public Works.

Councilmember Bohr stated his concurrence with comments made by Councilmember Cook. Councilmember Green reported on the Youth Center's efforts to gain sponsorships and the struggles it has faced in recent years.

Councilmember Hardy clarified comments she had made earlier and reaffirmed her support for the Youth Shelter.

An **Alternate Motion** was made by Hansen, second Bohr to approve waiving one time the \$3,980 in 2005 fees for the Friends of Huntington Youth Shelter for the City's holiday lights, lighting ceremony, and parade downtown and on the Pier. (Vote to follow.)

Councilmember Cook voiced her support for the Alternate Motion and reiterated her support for developing a process to consider requests. Councilmember Green stated her support for the Alternate Motion. Mayor Sullivan asked staff to comment on the 4th of July Board deficit and the venue used. Director Engle reported, and stated a Study Session to further address issues is planned for April.

The **Alternate Motion** carried by the following roll call vote:

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

(City Council) Mayor Pro Tem Coerper Reported on Letter Received from Marine (120.85)

Mayor Pro Tem Gil Coerper reported on a letter from Fireman/Marine George Shinrock, who thanked the City Council and the City for taking care of his family while he was away from home to serve his country.

(City Council) Councilmember Green Congratulated Women from the Huntington Beach Clinic Circle of Friends (120.85)

Councilmember Cathy Green congratulated Donna Cross, Humanitarian of the Year and Diane Adams, Corporate Woman of the Year, both members of the Huntington Beach Clinic Circle of Friends.

Adjournment - City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:37 p.m. to Monday, February 27, 2006 at 6:00 p.m., in Council Chambers, 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-Chair