

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

Monday, December 19, 2005  
5:00 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audiotape of the 5:00 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 meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:03 p.m. in the Council Chambers.

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

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

**No Public Comments**

**The City Clerk Announced No Late Communications**

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced no Late Communications regarding Closed Session agenda items had been received by her office following distribution of the agenda packet.

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

A motion was made by Hansen, second Bohr 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(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 **Arthur P. Pawloski v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 04CC09341. Subject: **Arthur P. Pawloski v. City of Huntington Beach, et al.** (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 **Robert Christie v. City of Huntington Beach, et al.**;

WCAB Case No. LBO 370571. Subject: **Robert Christie v. City of Huntington Beach, et al.**  
(120.80)

**Reconvened City Council/Redevelopment Agency Meeting - 6:01 p.m.**

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

**No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).**

**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:

Communication submitted by Robert F. Beardsley, Director of Public Works dated December 19, 2005 titled *Removal of Item D-1 (Adopt Resolution to Amend Beach Boulevard Underground Utility District No. 00-01 - Yorktown Avenue to Pacific Coast Highway) from the Agenda for Council Meeting set for December 19, 2005* due to the Public Hearing Notification to affected property owners. The item will be rescheduled and re-noticed at a future date.

Communication submitted by Jim Engle, Director of Community Services dated December 16, 2005 titled *Neighborhood Conservation Overlay* attaching a letter from The Historic Resources Board Meeting of December 16, 2005 with their recommendations to Council.

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

Communication submitted by Topper Horack dated December 19, 2005, untitled, which includes information on the Bolsa Chica annexation, Sports Complex parking, and potential emissions from the Poseidon project.

Communications submitted by Don MacAllister dated July 28, 2005 and titled *Surfing Walk of Fame Induction Day*, dated July 28, 2005 and titled *Media Summary Huntington Beach*, dated November 30, 2005 and titled *Surfing Walk of Fame*, and undated, titled *Plaque Design*.

Communications submitted by Planning Director Howard Zelefsky, undated, titled *District Recommendation for Consideration for Historic Preservation, City of Huntington Beach and Wesley Park*, which are copies of maps.

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

**Invocation** - Led by Sheila Caballero, member of Bahai Faith Community of Huntington Beach

**Presentation** - Mayor Dave Sullivan called on Surfing Walk of Fame Founding Director Don MacAllister who presented an update on the Huntington Beach Surfing Walk of Fame. Mr. MacAllister announced the names of the board members and thanked Council and staff for their

continued support. He referred to a drawing and media packet which was distributed to Council. He requested consideration for more squares for dedication when downtown is revitalized. He wished Council a Merry Christmas/Happy New Year and presented Mayor Sullivan with a framed poster enumerating those honored with the Walk of Fame up until 2003. (160.40)

**Presentation** - Mayor Dave Sullivan called on Robert F. Beardsley, Director of Public Works who recapped the City's receipt of "Project of the Year" Award presented by the American Public Works Association (APWA) for Huntington Beach Central Park Sports Complex. Mayor Sullivan announced that the Sports Complex is the finest in the area. He also announced the "2005 Public Works Top Leader Award" for all of Southern California was awarded to Mr. Beardsley by APWA. (160.40)

**Mayor's Award** - Mayor Dave Sullivan called on Police Chief Ken Small who presented the Mayor's Award to Detective Jeff Nelson and Sergeant Sam Lopez for exemplary service to the City. Chief Small reported on their involvement with a fraud case and criminal investigation lasting over twelve months and indictment of eight people for 74 criminal counts related to condominium conversions. (160.40)

### **Public Comments**

**Brian Sullivan** spoke regarding the agenda item pertaining to Neighborhood Conservation Overlay for the Wesley Park Tract stating his support of action which maintains the character of the downtown neighborhood area. He announced there was a group of individuals in the Council Chambers that feel the same.

**Barbara Sullivan** described herself as a long-time resident of Main Street and requested the Council help maintain the character of the downtown neighborhood area. She asked Council to support the agenda item pertaining to the Neighborhood Conservation Overlay for the Wesley Park Tract.

**Wil Weisenburg**, Main Street resident, voiced his support of the agenda item pertaining to the Neighborhood Conservation Overlay for the Wesley Park tract and asked Council to give residents a voice.

**Don Jones**, Main Street resident since 1970, stated his concern with lot splits and three-story homes. He asked Council to study the situation and create a method for preserving the neighborhood. Mr. Jones listed parking problems, lack of yards and air space as his concerns.

**Gina Gleason**, Main Street resident since 1994, spoke regarding renovations at her home and maintenance of the home's historic character. She asked Council to listen to residents' comments, drive the area, and consider the issue carefully.

Councilmember Hardy asked the previous speaker for her address. The speaker responded, stating 806 Main Street.

**Nuana Robinson** thanked Councilmember Green for bringing the agenda item pertaining to the Neighborhood Conservation Overlay forward and spoke regarding a petition signed by many residents in the area. She voiced support for the agenda item, asking Council to vote in favor.

**Arline Howard**, resident of 10th Street, voiced her concerns with a neighbor's request to increase the size of their home. She asked Council to support the agenda item pertaining to the Neighborhood Conservation Overlay.

Mayor Sullivan asked Ms. Howard if Council has a copy of the document she was referring to. Ms. Howard replied in the affirmative.

**Trish Gray**, resident in the downtown area, spoke regarding the character of Main Street residences and her concerns with the proposed changes. She stated her concerns about urban blight and asked Council to place a moratorium on building up the area. Ms. Gray requested Council reject the application for what she referred to as an oversized building proposed for the area.

**Cindy Picquelle** voiced her support for the agenda item pertaining to the Huntington Beach Youth Shelter. She spoke of her involvement with the program and stated her reasons for involvement are the following: Police Chief Ken Small, Ms. Shattuck, and the annual fundraiser at the pier.

**Mary Louise Shattuck**, recent President of Friends of Huntington Beach Youth Shelter, spoke regarding her experience with youths needing shelter and of donations of time, food, and items that have been turned away since the shelter was closed. She commended Council for their diligence in re-establishing the shelter, and voiced her support for the recommended vendor, Community Services Programs, Inc. (CSP).

**Steve Engel**, 20-year resident and Vice President of Shipley Nature Center, voiced his support for the agenda item pertaining to the Lease and Management Agreement for the Youth Shelter, on behalf of the Friends of Shipley Nature Center. He also spoke regarding recent upgrades to the Nature Center made by student volunteers.

**Tim Geddes**, southeast Huntington Beach resident, spoke in support of the agenda item pertaining to the Neighborhood Conservation Overlay and announced a framed photo of former Mayor Hardy is now hanging in the Council Chambers. He also stated his support for the agenda item pertaining to the release of Poseidon documents. He asked Council to add to the documents released, staff reports related to mitigated impacts of the pipeline. Mr. Geddes voiced other concerns related to the Poseidon desalination project.

**John Earl** thanked the Councilmembers who voted to hold the public hearing regarding Poseidon over to January 9, 2006. He commented on a Huntington Beach Independent report which quoted Mayor Pro Tem Coerper and Councilmember Hansen, refuting some of the comments they made regarding supporters and those who oppose the project. Mr. Earl asked that more information be released to the public.

**Steve Graff** thanked Councilmember Hansen for attending certain neighborhood meetings, and spoke regarding the agenda item pertaining to a parking permit request for Hyde Park Drive. He asked Council to support the item in order to help residents maintain peace and quiet in the area.

**Frank Pays** thanked Council for consideration of the agenda item pertaining to the request for permit parking on Hyde Park Drive. He thanked Councilmember Hansen specifically for his efforts. He reported on an apartment complex in the area that he stated is creating many problems including trash, loud parties, illegal parking, and safety issues for children. Mr. Pays stated his opinion that home values are affected by the situation and asked Council to approve the related agenda item.

**Eileen Murphy** asked Council to address the question as to whether or not the proposed Poseidon desalination plant is a utility. She asked how the project can be permitted under General Plan zoning. Ms. Murphy wished Council a Merry Christmas and Happy New Year.

**Larry Porter** asked Council to consider facts and the truth regarding the Poseidon desalination plant when it is time to vote. He voiced his opposition to the project, stating his opinion that the project is based on falsehoods, and stated his concern with construction on the streets. Mr. Porter asked Council to deny the project and wished them a Merry Christmas.

**Topper Horack** spoke regarding a resolution approved at the last Council meeting which he said declared a surplus water supply in the City. He also spoke regarding usage of Sports Complex fields and showed pictures of empty parking lots. He asked Council to approve for public release information on noxious fumes. Mr. Horack stated his objection to approval of outdated technology regarding the desalination plant, and wished Council a Merry Christmas and Happy New Year.

Councilmember Hansen responded to the Mr. Horack's comments, asking staff to clarify the resolution that was approved at the last meeting. Deputy City Administrator Paul Emery reported that the resolution refers only to water to be supplied during the construction phase of the development.

Mayor Sullivan announced that Deputy City Administrator Paul Emery is acting as City Administrator at the meeting due to the absence of City Administrator Penny Culbreth-Graft.

**Jan Vandersloot** asked Council to deny the Conditional Use Permit (CUP) for Poseidon until the source of pollution in the ocean and beach is discovered. He alleged that the pollution originates at the AES plant. Mr. Vandersloot requested that in the event Council does not deny the CUP, they place a condition that AES urban runoff be diverted to the Orange County Sanitation District instead of to the ocean.

**Dan Traxler**, 21-year resident, announced a Surf City-to-Surf City motorcycle ride. He stated interested individuals should meet at the parking lot of Rich Doughnuts at 7 a.m. on Jan 7th. He stated participants would ride to San Cruz on Route 1 in the interest of goodwill, meet with representatives, and share City-related gifts. Mr. Traxler stated the ride might become an annual event.

**Mark Smith**, local resident since 1970, voiced his concerns regarding any changes to the City's prevailing wage ordinance. He asked Council to oppose any changes.

**(City Council) Approved Council Liaison Assignments (120.20)**

The City Council considered a communication from Mayor Sullivan transmitting the following **Statement of Issue**: Attached for review and approval is the current list of Council Liaison assignments.

Councilmember Green voiced her opinion that an unequal distribution of last year's and this year's Council assignments exists, not including the alternate assignments. She asked for the rationale behind making the assignments and what criteria were followed. Mayor Sullivan reported the methodology used was based on requests from Councilmembers, and subsequently assignments were made by the Mayor.

Councilmember Cook stated her willingness to change assignments if others have preferences.

Councilmember Hardy stated her opinion that last year's assignments were close to even in number, and that some assignments were automatic.

Councilmember Green reiterated her dissatisfaction with some of the assignments. Mayor Sullivan reported that requests were accommodated with the exception of the Sanitation District, which has historically been assigned to the seated Mayor.

A motion was made by Cook, second Hardy to Approve the list of Council Liaison Assignments as submitted. The motion carried by the following roll call vote:

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

Councilmember Bohr was recorded as absent - he was out of the room at the time of the vote.

**(City Administrator's Report) - Recognition of ADA Improvements to the Civic Center Funded by CDBG Given (340.70)**

Deputy City Administrator Paul Emery announced the Public Works Director would present a report. Director Beardsley presented a PowerPoint report titled *ADA Improvements to Civic Center, Access to City Council Chambers and Civic Center from Yorktown Avenue*, which was included in the agenda packet, recognizing completion of Civic Center Improvements authorized by the City Council on February 2, 2004 to meet the Federal Americans with Disabilities Act's (ADA) standards consisting of signage, ramps and sidewalks to provide adequate handicapped access from the north parking lot and Yorktown Avenue to the Civic Center, including the Council Chambers and the City's jail.

**(City Council) - Reviewed and Accepted City Treasurer's October 2005 Investment Summary Report (310.20)**

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for October 2005.

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

A motion was made by Coerper, second Hardy to review and accept the Monthly Investment Report for October 2005, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

**(City Council/Redevelopment Agency) - Adopted City Council Resolution No. 2005-84 and Redevelopment Agency Resolution No. 357, Approving and Adopting the Fiscal Year 2005/2006 Statement of Investment Policy (310.20)**

The City Council considered a communication from City Treasurer Shari Freidenrich informing Council/Agency that the Treasurer of the local agency shall render an annual Statement of Investment Policy to the legislative body for acceptance. The City Treasurer, with the assistance of the Investment Advisory Board, has prepared an updated Investment Policy.

Councilmember Hansen asked for rationale on State mandated costs that were not paid. Mayor Pro Tem Coerper inquired about State securities bids. City Treasurer Friedenrich reported on requirements.

A motion was made by Hansen, second Cook to City Council: Approve and Adopt Resolution No. 2005-84, *A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2005/2006*; and Redevelopment Agency: Approve and Adopt Resolution No. 357, *A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2005/2006*. The motion carried by the following roll call vote:

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

**Recess City Council/Redevelopment Agency Meeting**

**Convene Regular Meeting of the Huntington Beach Public Financing Authority (125.35)**

**Huntington Beach Public Financing Authority Roll Call**

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

**(Public Financing Authority) Election of Officers Held**

A motion was made by Hardy, second Cook to Elect Dave Sullivan, Chair of the Huntington Beach Public Financing Authority; Gil Coerper, Vice-Chair of the Huntington Beach Public Financing Authority and Joan L. Flynn, Secretary of the Huntington Beach Public Financing

Authority. The motion carried by the following roll call vote:

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

**(Public Financing Authority) Approved PFA Minutes**

A motion was made by Coerper, second Hardy to approve and adopt the minutes of the December 20, 2004 Annual Meeting of the Huntington Beach Public Financing Authority as written and on file in the Office of the Secretary. Submitted by the Secretary. The motion carried by the following roll call vote:

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

**Adjourn Public Financing Authority Meeting**

**Convene Regular Meeting of the Huntington Beach Civic Improvement Corporation (125.20)**

**Huntington Beach Civic Improvement Corporation Roll Call**

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

**(Civic Improvement Corporation) Election of Officers Held**

A motion was made by Hardy, second Bohr to Elect Dave Sullivan, President of the Huntington Beach Civic Improvement Corporation; Gil Coerper, Vice President of the Huntington Beach Civic Improvement Corporation and Joan L. Flynn Secretary of the Huntington Beach Civic Improvement Corporation. The motion carried by the following roll call vote:

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

**(Civic Improvement Corporation) Approved CIC Minutes**

A motion was made by Coerper, second Cook to approve and adopt the minutes of the July 14, 2004 Regular Meeting of the Huntington Beach Civic Improvement Corporation as written and on file in the Office of the Secretary. The motion carried by the following roll call vote:

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

**Adjourn Civic Improvement Corporation Meeting**

**Reconvene City Council/Redevelopment Agency Meeting**

**(City Council) Pulled to a Date Uncertain - Public Hearing to Consider Adoption of Resolution No. 2005-83 to Extend the Expiration Date to December 2009 of the Beach Boulevard Underground Utility District No. 00-01 (Beach Boulevard between Yorktown Avenue to Pacific Coast Highway). (350.20)**

Pulled from the agenda to be rescheduled and renoticed to a date uncertain by Public Works Director Robert F. Beardsley.

**(City Council) Public Hearing Held - Approved Zoning Text Amendment No. 05-01 - Religious Assembly Compliance with Religious Land Use and Institutionalized Persons Act (RLUIPA) with Findings for Approval and Adopted Ordinance No. 3724, An Ordinance Amending Various Sections of the Huntington Beach Zoning and Subdivision Ordinance. (450.20)**

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

ZONING TEXT AMENDMENT 05-01 (RELIGIOUS ASSEMBLIES-COMPLIANCE WITH RLUIPA 2000)

Applicant: City of Huntington Beach

Request: To amend Chapters 204.16, 210.04, 212.04, and 230.06 of the HBZSO in order to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).

Location: Citywide

Project Planner: Jason Kelley

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

Planning Director Howard Zelefsky presented an oral report.

Mayor Sullivan declared the public hearing open.

The City Clerk announced no Late Communications or public speakers pertaining to this 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 Cook, second Hardy to 1) Approve Zoning Text Amendment No. 05-01 with findings for approval; and, 2) Approve for Introduction Ordinance No. 3724, An Ordinance of the City of Huntington Beach Amending Various Sections of the Huntington Beach Zoning and Subdivision Ordinance Relating to Religious Assembly/Land Use. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Coerper

Mayor Pro Tem Coerper was recorded as absent - he was out of room at the time of the vote.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 05-01:**

1. Zoning Text Amendment No. 05-01 to amend various sections of the Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan because the amendments delete specific development requirements only for religious assembly uses to ensure protection under the Religious Land Use and Institutionalized Persons Act (RLUIPA) citywide.
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 religious assembly uses citywide. The amendment will create consistent development requirements for religious assembly uses and other assembly uses.
3. A community need is demonstrated for the proposed zoning text amendment. The proposed changes will ensure that the City is in compliance with the standards of the federally mandated RLUIPA. Additionally, Zoning Text Amendment No. 05-01 will apply consistent development standards to religious assembly uses and other assembly uses citywide.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The amendment will result in the City's ability to provide for freedom of religion and religious assembly in accordance with Federal law and consistent with the goals and policies of the General Plan.

**(City Council) Public Hearing Removed and To be Rescheduled - to Consider the Appeal by Waboz Corporation of the Denial of Renewal of the Entertainment Permit for Scorpions Steak House Located at 8082 Adams Avenue, Huntington Beach. (420.40)**

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

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

(City Council) Amendment No. 11 to Cooperative Agreement No. C-95-975 with Orange County Transportation Authority (OCTA) to Maintain Measure M Funding Eligibility

(City Council) Ten-Year Lease and Management Agreement Between the City of Huntington Beach and Community Service Programs, Inc. (CSP) for the Operation of the Huntington Youth Shelter Located at 7291 Talbert Avenue

(City Council) Release of Conditional Use Permit No. 02-04 / Coastal Development Permit No. 02-05 - Poseidon Seawater Desalination Project and the Associated Owner Participation Agreement

**Consent Calendar - Items Approved**

A motion was made by Green, second Cook 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 Adjourned Regular Meeting of November 16, 2005, Regular Meeting of November 21, 2005 and Special Meeting of November 29, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk. (Councilmember Hansen abstained from the November 21, 2005 minutes)

**(City Council) Approved the Reappointments to the Human Relations Task Force**

(110.20) - Approved the reappointment to the Human Relations Task Force of Fred Provencher, Mary Adams Urashima, Gwen Kuhns Black, and Marney Fairchild for terms to expire December 31, 2009, as recommended by Council Liaisons Debbie Cook and Gil Coerper. Submitted by Councilmembers Coerper and Cook Funding Source: Not applicable.

**(City Council) Approved Request for Funding Extension of 1999 Federal Transportation Funding Grant for Communication Link Between the City of Huntington Beach and Local CalTrans Traffic Management Center (340.70) -**

Supported the funding extension request and authorized the Mayor to endorse a letter indicating City Council support for the request. Submitted by the Director of Public Works. Funding Source: The project is currently included in the City's 2005/06 Capital Improvement Program. The initial grant funding was \$791,470 and \$493,758 remains in the unspent balance.

**(City Council) Adopted Resolution No. 2005-80 Approving Election of the City to be Subject to the Public Employees' Medical and Hospital Care Act (PEMHCA) With Respect to the Chief of Police (700.10) -**

Adopted Resolution No. 2005-80, A Resolution of the City Council of the City of Huntington Beach Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to the Chief of Police and Fixing the Employer's Contribution for the Employee and the Employer's Contribution for the Annuitant at Different Amounts. Submitted by the Acting Deputy City Administrator. Funding Source: Not applicable.

**(City Council) Adopted Resolution No. 2005-81 Amending and Restating the Plan Document and Summary Plan Description for the Flexible Spending Account Plan and Designating a Plan Administrator (700.10) -**

Adopted Resolution No. 2005-81, A Resolution of the City Council of the City of Huntington Beach Amending and Restating the Plan Document and Summary Plan Description and Designating a Plan Administrator for the Flexible Spending Account Plan. Submitted by the Acting Deputy City Administrator. Funding Source: Not applicable.

**(City Council) Awarded the Construction Contract to Denboer Engineering & Construction, Inc., for the Sewer Lift Station #26 and #28 Replacements; CC-1240 and 1241 (600.60) -**

1) Approved the project plans and specifications for Sewer Lift Station #26 and #28 Replacements, CC-1240 and CC-1241; 2) Accepted the lowest responsive and responsible bid submitted by Denboer Engineering & Construction, Inc., in the amount of \$2,264,000; 3) Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract; and, 4) Appropriated and authorized the expenditure of \$1 million from the undesignated Sewer Service Charge fund balance into the project budget. Submitted by the Director of Public Works. Funding Source: Funds in the amount of \$1 million are budgeted in the Sewer Service Charge Fund, Sewer Lift Stations CIP, Account 51189001.82600. The revised engineer's estimate for both projects was \$1.7 million. The total project cost is now estimated at \$2.95 million. Funding adjustments will include \$950,000 from

lift station design and sewer lining projects, and \$1 million appropriated from the undesignated Sewer Service Charge fund balance.

**(City Council) Approved Contracts for As-Needed Professional Civil Engineering Services for AKM Consulting Engineers, Boyle Engineering Corporation, Dudek & Associates, Inc., Harris & Associates, Inc., Huitt-Zollars, Inc., and Richard Brady & Associates, Inc. (600.10)** - Approved and authorized the Mayor and City Clerk to execute professional services contracts for the following six firms: AKM Consulting Engineers, Boyle Engineering Corporation, Dudek & Associates, Inc., Harris & Associates, Inc., Huitt-Zollars, Inc., and Richard Brady & Associates, Inc. Submitted by the Director of Public Works. Funding Source: Funds are available within budgeted capital improvement projects. Additional Council authorization will be requested for unbudgeted projects, if necessary.

**(City Council) Adopted Resolution No. 2005-82 Approving Residential Parking Permit District "H" - Hyde Park Drive (560.40)** - Adopted Resolution No. 2005-82, A Resolution of the City Council of the City of Huntington Beach Establishing Parking Permit District "H" within the City of Huntington Beach. Submitted by the Director of Public Works. Funding Source: The provisions of the Huntington Beach Municipal Code Chapter 10.42 require that the residents choosing to participate in the residential parking permit district pay a proportionate share of the cost to establish the district. Typical costs include, but are not limited to, installation of signs, curb markings, staff time to issue permits, and administrative costs to create the district.

**(City Council) Adopted Resolution No.'s. 2005-85, 2005-86 and 2005-87 Authorizing Closure of Pacific Coast Highway and Local Streets for Special Events and the Pacific Shoreline Marathon (800.60)** - 1) Adopted Resolution No. 2005-85, A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events; and 2) Adopted Resolution No. 2005-86, A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Pacific Shoreline Marathon Run; and 3) Adopted Resolution No. 2005-87, A Resolution of the City Council of the City of Huntington Beach for the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, and Central Park Drive for the Pacific Shoreline Marathon Run. Submitted by the Director of Community Services. Funding Source: Not applicable.

**(City Council) Approved the Professional Services Contract between the City of Huntington Beach and NetXact, Inc. for Information Services Technical Support of the JDE Business Systems Software (600.10)** - Approved and authorized the execution by the Mayor and City Clerk of the contract between NetXact, Inc. and the City of Huntington Beach. Submitted by the Information Services Director. Funding Source: Current funding for this contract is available in FY 05/06 budget in Business Unit 30143002. Information Services has estimated that \$160,000 will be required for NetXact, Inc. to complete the work detailed on Exhibit A of this document. An additional \$25,000 will be budgeted for as-needed work for the balance of the three-year Professional Services contract for a total of \$185,000 requested.

**(City Council) Approved the Maddy Act Local Appointments List (Terms on City Boards, Committees, and Commissions Which Expire in 2006) Informing the Public of Openings and Vacancies Based on Expirations of Current Members' Terms (110.50)** - Approved the Maddy Act Local Appointments List showing term vacancies, which will occur on City Boards and Commissions in the year 2006 and directed the City Clerk to post the list at the official posting locations (Civic Center, Huntington Central Library, Main Street Library). Copies of the Maddy Act will also be posted at all branch Libraries. Submitted by the City Clerk. Funding Source: Not applicable.

**(City Council) Approved Amendment No. 11 to Cooperative Agreement No. C-95-975 with Orange County Transportation Authority (OCTA) to Maintain Measure M Funding Eligibility (600.25)**

The City Council considered a communication from the Public Works Director transmitting the following **Statement of Issue**: Approval of Amendment No. 11 to Cooperative Agreement No. C-95-975 between the Orange County Transportation Authority (OCTA) and the City of Huntington Beach is required to maintain Measure M. funding eligibility. Funding Source: No funding source is required for this action. Authorized grants from the program currently total \$11.7 million over the next five years.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to highlight the City will be receiving the return of \$11.7 million of Measure M money over next 5 years.

A motion was made by Green, second Hardy to Approve and authorize the Mayor and City Clerk to execute Amendment No. 11 to Cooperative Agreement No. C-95-975 between Orange County Transportation Authority and the City of Huntington Beach. The motion carried by the following roll call vote:

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

**(City Council) Approved a Ten-Year Lease and Management Agreement Between the City of Huntington Beach and Community Service Programs, Inc. (CSP) for the Operation of the Huntington Youth Shelter Located at 7291 Talbert Avenue (600.10)**

The City Council considered a communication from the Chief of Police, Director of Community Services and Director of Economic Development transmitting the following **Statement of Issue**: A ten-year lease and management agreement is being proposed with Community Service Programs, Inc. (CSP) for the operation of the Huntington Youth Shelter located at 7291 Talbert Avenue. Funding Source: Not applicable.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to thank Donna Klein, Carol Cannode, Mary Lou Shattuck, and Police Chief Ken Small for their efforts in keeping the focus on re-opening the shelter.

A motion was made by Green, second Coerper to 1) Approve the Lease and Management Agreement between the City of Huntington Beach and Community Service Programs, Inc. for the operation of the Huntington Youth Shelter located at 7291 Talbert Avenue; 2) Authorize execution of the Lease and Management Agreement by the Mayor and City Clerk; and 3) Authorize execution of all necessary documents in furtherance of the Lease and Management Agreement by the City Administrator, Chief of Police, or Director of Economic Development. The motion carried by the following roll call vote:

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

**(City Council) Approved Advance Release of Conditional Use Permit No. 02-04 / Coastal Development Permit No. 02-05 - Poseidon Seawater Desalination Project and the Associated Owner Participation Agreement (420.40)**

The City Council considered a communication from the City Attorney transmitting the following **Statement of Issue:** Whether or not the Conditional Use Permit 02-04 / Coastal Development Permit 02-05 - Poseidon Seawater Desalination Project and the associated Owner Participation Agreement ("OPA") should be released in advance of January 4, 2005. Funding Source: Not applicable.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to ask for clarification on when Council would receive the information. She requested to receive the information in advance or at the same time as it is available to the public. Acting City Administrator Paul Emery confirmed Council would receive the information 24 hours in advance of the public.

A motion was made by Green, second Hardy to Release the Poseidon Owner Participation Agreement ("OPA") and associated documents as they become available, with Council receiving the information 24 hours in advance of the release. The motion carried by the following roll call vote:

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

**(City Council) Approved a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments - Amendment Made to Recommendation by the City Council Intergovernmental Relations Committee (IRC) (640.90)**

The City Council considered a communication from Councilmember Hardy on behalf of Intergovernmental Relations Committee Members Councilmembers Coerper and Bohr transmitting the following: **Statement of Issue:** Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee on legislation pending before a federal, state, or regional government, and authorize the Mayor to communicate the city's position to the elected members of that federal or state legislature, or regional body.

Councilmember Hardy reported orally, clarifying this bill would allow for unpaid additional leave

in addition to unpaid medical leave.

Councilmember Green asserted that amount of time and claims would be double if the bill is approved, increasing costs by \$400,000 per year. She voiced her opposition to the item, asking Council to take a "WATCH" status.

Councilmember Hardy clarified her goal is to look at the City's point of view first, and that she does not object to a "WATCH" position.

Mayor Sullivan voiced concerns with some of the text on page F-1.5 of the agenda packet. Councilmember Hansen stated his support of a "WATCH" position.

A motion was made by Hansen, second Green to approve Recommended Action as **amended** to **WATCH SB 300** (Kuehl) Family and Medical Leave as amended on 07/07/05. The motion carried by the following roll call vote:

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

**(City Council) Directed Staff to Prepare a Neighborhood Conservation Overlay for the Wesley Park Tract and Surrounding Area After Conducting a Neighborhood Meeting With Property Owners (120.90)**

Councilmember Green reported orally.

Councilmember Hardy thanked Councilmember Green for bringing this item to Council. She inquired if there is a minimum front setback in this area that is different from other parts of the City. Planning Director Howard Zelefsky reported in the affirmative, stating that the Main Street setback is twelve feet in some areas, and that he wishes to research the question further. Councilmember Hardy inquired about the current setbacks on most houses in the City, and Director Zelefsky stated most are more than twelve feet. She inquired further about the maximum allowable height for homes, and Director Zelefsky reported a maximum height of thirty feet.

Councilmember Hardy inquired about the 737 Main Street request; if it is over thirty feet, if it requires a variance, and who can approve the variance? Director Zelefsky reported that the Zoning Administrator could approve a variance in this case. She inquired if any special standards exist for Main Street, specifically with regards to trees. Director Zelefsky reported that currently there are no historic standards for Main Street. Councilmember Hardy stated her preference that the Recommended Action be more specific, including greater setback requirements, a minimum of a fifty foot wide lot, a maximum of thirty feet in height, an architectural style of "Craftsman," and that the overlay district include from 6th Street to 14th Street and from Lake Street to Farquhar Park.

Councilmember Green reported on her reasons for recommending less specific direction to staff in order to expedite action. She also stated her preference that Council vote on two different motions if specific direction is desired.

Councilmember Hardy asked for the opinion of City Attorney, who reported that two separate motions would be acceptable.

Director Zelefsky reported on the process of obtaining historic surveys, the limitations for property owners, and the time involved.

Councilmember Hardy inquired if development standards would delay the goals of this agenda item. Director Zelefsky reported on the process required, including a neighborhood meeting.

Mayor Pro Tem Coerper inquired about General Plan requirements for historic neighborhoods. Director Zelefsky reported on the City's ability to prohibit demolition.

Councilmember Bohr asked for clarification on requirements for the 200 block of Main Street, and Director Zelefsky stated that the overlay district includes, but probably won't affect commercial properties on the 200 block of Main Street. Councilmember Bohr further inquired about the east side of Main Street and 10th Street, stating a need for clarification.

Councilmember Hansen inquired how the overlay district is discoverable by potential buyers. Director Zelefsky reported that with a zoning district, the rules are typically self-imposed and not documented on a deed. He also reported MLS listings often disclose this information. Councilmember Hansen stated his support for the motion, and inquired who must initiate the zoning overlay request. Director Zelefsky reported that either Council or residents could initiate the request. Councilmember Hansen voiced concerns that the issue being discussed involved other areas of City, not just the downtown area.

Councilmember Hardy spoke to clarify what she meant when she spoke about the character of the neighborhood, stating it is a particular style, Craftsman style. She asked the Planning Director if the map presented is in the coastal zone, and he reported that the boundaries must be defined in order to determine.

Councilmember Green reiterated the methods she used to determine map borders. Councilmember Hardy voiced concern with the map boundaries since the map does not include the west side of Main Street.

Public Speaker Nuwana Robinson explained why she used the name "Wesley Park" and how the boundaries on the map were determined.

Public Speaker Brian Sullivan inquired about three homes (825, 821, and 817 Main Street) that are carved out of the map. He stated that he lives at one of those addresses and his tax bill designates his residence as part of Wesley Park.

Councilmember Bohr stated that he needs further clarification on the map boundaries before he can make a decision on this item.

Councilmembers Hardy and Hansen voiced their support for keeping the general boundaries which are stated in the Recommended Action.

Public Speaker Arline Howard commented on Wesley Park boundaries.

Mayor Sullivan inquired about a moratorium, suggesting this as an alternative.

Councilmember Cook asked for the City Attorney's opinion on moratorium requirements and limitations. City Attorney Jennifer McGrath reported on necessary findings, the number of votes required, and the length of thirty days with the possibility of extensions.

A motion was made by Green, second Cook to approve Recommended Action as **amended** to direct staff to prepare a Neighborhood Conservation Overlay for the Wesley Park Tract and surrounding area after conducting a neighborhood meeting with property owners. The motion carried by the following roll call vote:

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

**(City Council) Councilmember Green Offered her Condolences to Ed Bush and Family on the Passing of his Wife (120.85)**

Councilmember Cathy Green offered her condolences to Ed Bush and family on the recent passing of his wife.

**(City Council) Mayor Sullivan Wished Merry Christmas, Happy Hanukkah, Happy New Year, and Happy Holidays and Read a Quote (120.85)**

Mayor Dave Sullivan wished everyone a Merry Christmas, a Happy Hanukkah, a Happy New Year, and Happy Holidays. He also read a quote from former President Ronald Reagan.

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:27 p.m. to Tuesday, January 3, 2006, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, 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

Mayor-Chair