

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

MONDAY, MARCH 21, 2005

4:30 P.M. - Room B-8

6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8

The City Clerk will recess the 4:00 P.M. portion of the Meeting to 4:30 P.M. due to an anticipated lack of quorum.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present *(Sullivan arrived 4:37pm, Green arrived 4:35pm)*

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

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

Public Comments Regarding 4:30 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

None

(City Council) Study Session – Presentation by the Economic Development Department Regarding Edinger Corridor Specific Plan No 14 Including Anticipated Schedule (460.10)

Economic Development Department staff will present an update on the proposed Edinger Corridor Specific Plan No. 14.

Economic Development Director David Biggs gave PowerPoint report. Gave background of project, scope of work, geographic boundaries, planning/environmental benefits, public infrastructure benefits, implementation/finance benefits, workshops and current status. Planning Manager Scott Hess updated on timeline for approval.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

(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 **City of Huntington Beach v. Huntington Beach Police Officers Association; United States District Court Case No. SA 01-1125 JVS, and **Scottsdale Insurance Company v. Huntington Beach Police Officers Association**, and the related counterclaim, **American States Insurance v. City of Huntington Beach**, United States District Court Case No. SA 03-1143 JVS. (120.80)**

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, SCLEA, HBFA and Non-Associated. Subject: Labor Relations – Meet & Confer. (120.80)**

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its City Attorney regarding pending litigation. (Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.) Number of Potential Cases: 1-450. Subject: **Potential Litigation. (120.80)**

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

6:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

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

Settlement authorized: City of Huntington Beach v. Huntington Beach Police Officers Association US District Court Case No. SA01-1125JVS and Scottsdale Insurance Company v. Huntington Beach Police Officers Association and related counterclaim American States Insurance v. City of Huntington Beach US District Court Case No. SA03-1143JVS as follows: Cities of Cypress, Westminster, Fountain Valley, Orange, and Costa Mesa in the amount of \$8,500.00 each. Silverado Sportsman Club in the amount of \$7,500.00. Yava Pai Firearms Academy, Ltd in the amount of \$2,800.00.

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present

Pledge of Allegiance and Flag Salute - To be led by the Mayor.
Post 558 Infantry Explorers from Los Alamitos High School.

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – To be determined by the Mayor.
Maria Khani from Islamic Center of Orange County.

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

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Study Session, C1a, D1, D2, D3, E12, F2, F3, F7, G1a, G1b

Presentation - Mayor Jill Hardy to call June Dugmore from the Huntington Beach Chamber of Commerce Women of Action to introduce Miss Huntington Beach 2005 and her court.
Nicole Smith, Queen, Summer Moy (Court), Amber Fischer (Court). Mayor Hardy presented proclamation to each.

Mayor's Award - Mayor Jill Hardy to call on Police Chief Ken Small to present the Mayor's Award to the family of Senior Motor Officer Mark Hanson who died on February 13, 2005.

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium.)

Surf-City Kiwanis President spoke about the many activities of the Kiwanis. Fundraiser of Bunny Grams available through Saturday. Call 714-235-7550 to arrange at \$20 each. Visitors invited to Kiwanis meeting at IHOP between Garfield and Ellis on Tuesdays at 7:30am.

State Assemblyman spoke regarding item H1a and the impetus for the request to adopt the Marine Battalion. Cited success of Newport Beach with the program. Thanked Councilmember Coerper for his efforts.

Former Marine spoke regarding the importance of supporting troops and encouraged Council to adopt the "3-1". Introduced Major Clark Watson and First Sergeant Mark Hogan.

Marine First Sergeant announced events shared with Newport Beach and his eagerness to be involved with Huntington Beach.

Marine Corp Major gave a brief history of his Battalion and its activities. Mentioned casualties in Iraq and support of item H1a.

Speaker presented to Council and Audience that adoption of a Battalion has great value for both parties. He conveyed a message from the Commanding General of the First Marine Division in Iraq expressing appreciation for potential adoption of battalion.

Councilmember Cook announced anysoldier.com website.

Speaker on behalf of U.S. Military Academy at Westpoint, spoke of efforts required at the academy. Encouraged interested applicants to contact Councilmember Coerper.

Commander of Huntington Beach American Legion Post 133 spoke in support of H1a. He also spoke regarding item E4 and drew attention to veterans in audience.

***Motion to move H1a forward
Approved 7 – 0***

Speaker representing Bolsa Chica Conservancy announced 2005 Conservator of the Year award to Dr. Louann Murray. Invited everyone to fundraiser luncheon at 11:30 on April 14 at the Waterfront Hilton. Price is \$55 per person and sponsorships are available.

Speaker spoke regarding an attack in Huntington Beach and 15 minute response to 911 call. Alleged police under-staffing the fault of City Council. Asked Council for answers and reiterated daughters' trauma from waiting on phone for so long for a response.

Speaker spoke regarding item D1 as a timeshare owner. Asked Council how timeshare purchaser can receive deed and pay taxes if City already owns deed? Also spoke regarding military families and their struggles.

Councilmember Cook announced that City of Huntington Beach pays military reservists while they are on active duty.

Speaker spoke regarding item E12 asking why bonds are being released. Referred to his Late Communication.

Speaker spoke regarding Medical Marijuana Dispensary Ordinance. Stated he understands concerns and enumerated suggestions to mitigate potential problems. Announced his intention to submit application to operate a dispensary.

Speaker urged Council to deny approval of timeshares. Referred to concerns that potentially make this use incompatible with City current uses.

C-1. Council Committee/Appointments/Liaison Reports (120.20)

(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

None

C-1a. (City Council) Update and Video Presentation to be Made by Councilmember Cathy Green on Current Projects and Activities of the Orange County Transportation Authority (OCTA) Including the State Route 22 Improvement Project (800.45)

Councilmember Cathy Green will provide a verbal update on current projects and activities of the Orange County Transportation Authority. Councilmember Green will also present a video update on the State Route 22 improvement project provided to her as a member of the OCTA Board of Directors. The video presentation will review the improvements included in the project, funding and the anticipated completion schedule.

Councilmember Green reported orally and introduced video. Website is www.octa.net/sr22 for more information.

C-2. City Administrator's Reports

None

C-3. City Treasurer's Report

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's January 2005 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)
Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for January 2005.

Recommended Action: Motion to:

Review and accept the monthly investment report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 6 – 0 (1 - Green out of room)

PUBLIC HEARING

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

D-1. (City Council) Public Hearing to Consider Approval of General Plan Amendment No. 03-03, Zoning Text Amendment No. 03-03 and Local Coastal Program Amendment No. 03-02 Downtown Specific Plan – to Permit Timeshares within Districts 7 and 9 (North Side of Pacific Coast Highway, between Beach Boulevard and First Street) – Applicant, Robert Mayer Corporation, - Adopt Resolution Numbers 2005-19 and 2005-20 - Approve for Introduction Ordinance No. 3702 (450.30)

Communication from the Planning Director.

Applicant: Robert Mayer Corp., Shawn Milbern

Request: To amend the Huntington Beach General Plan Land Use Element, Huntington Beach Coastal Element (Local Coastal Program), and Downtown Specific Plan (DTSP) to permit "timeshares" as an allowed use subject to a conditional use permit from the Planning Commission within District 7 (Visitor-Serving Commercial) and District 9 (Commercial Recreation) of the Downtown Specific Plan.

Location: Downtown Specific Plan Districts 7 & 9 (north side of Pacific Coast Highway between Beach Blvd. and First Street.) Robert Mayer Corporation.

Environmental Status: Notice is hereby given that an initial environmental assessment for this agenda item was processed and completed in accordance with the California Environmental Quality Act. It was determined that although the proposed project could have a significant effect on the environment, because all potentially significant effects have been analyzed adequately in an earlier EIR No. 94-1 pursuant to applicable standards, and have been avoided or mitigated pursuant to that earlier EIR No. 94-1, nothing further is required. The environmental impact report is on file at the City of Huntington Beach and is available for public inspection as described below.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday, March 17, 2005.

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

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

PowerPoint titled *Timeshares GPA 03-03, LCP 03-02, ZTA 03-03 Applicant: The Robert Mayer Corporation Date: March 21,2005* is included in the agenda packet.

Recommended Action:

Planning Commission and Staff Recommendation: Motion to:

1. Approve General Plan Amendment No 03-03 by adopting **Resolution No. 2005-19** – “A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 03-03” (Attachment No. 1);

and

2. Approve Zoning Text Amendment No. 03-03 with findings (Attachment No. 2) and after the City Clerk reads by title, approve for introduction **Ordinance No. 3702** – “An Ordinance of the City of Huntington Beach Amending the Downtown Specific Plan of the City of Huntington Beach” (Attachment No. 3);

and

3. Approve Local Coastal Program Amendment No. 03-02 with findings (Attachment No. 4) and adopt **Resolution No. 2005-20** – “A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 03-02 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Permit Timeshares in the Commercial Visitor Land Use Category and to Reflect Zoning Text Amendment No. 03-03 and Requesting Certification by the California Coastal Commission.” (Attachment No. 5)
Rosemary Medel Associate Planner gave PowerPoint presentation. Also referred to Late Communication from Chamber of Commerce supporting recommendations. Council discussion ensued. City Clerk reread Late Communication. Public Hearing opened, one applicant spoke and Public Hearing closed. Approved 5 – 2 (Cook No, Sullivan No)

D-2. (City Council) Public Hearing Opened and Continued Open from March 7, 2005 to Consider Appeal Filed by Applicant Mike Padian, Padian Team Consulting, of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 - Good Shepherd Cemetery, 8301 Talbert Avenue (N/E Corner of Beach Boulevard and Talbert Avenue) (420.40)

Public Hearing to consider appeal of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 (Good Shepherd Cemetery).

Appellant/Applicant: Mike Padian

Request: To analyze the potential environmental impacts associated with a proposed expansion of Good Shepherd Cemetery. The expansion includes three phases of construction over a seven to ten year period. The proposed improvements consist of an 85,000 square foot three-story mausoleum, a 10,000 square foot maintenance facility, one-story garden crypt buildings totaling 100,000 square feet, and construction of approximately 1,850 lineal feet of perimeter fencing.

Location: 8301 Talbert Avenue (northeast corner of Beach Blvd. and Talbert Ave.)

Environmental Status: Notice is hereby given that the initial environmental assessment for this item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. Mitigated Negative Declaration No. 03-08 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

On file: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday March 3, 2005.

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

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

PowerPoint presentation titled *Good Shepherd Cemetery Expansion Appeal of Mitigated Negative Declaration No. 03-08* is included in the agenda packet.

A communication is included in the agenda packet.

Recommended Action: Motion to:

A. Planning Commission Recommendation: Motion to:
Approve Mitigation Negative Declaration No. 03-08 with Findings and Mitigation Measures (5:1 slopes) (Attachment No. 1);

OR

B. Staff Recommendation: Motion to:
Approve Mitigation Negative Declaration No. 03-08 with Findings and Modified Mitigation Measures (2:1 slopes) (Attachment No. 2).

Associate Planner Paul DaVeiga gave overview. Discussion among Council and staff. Public Hearing opened. City Clerk announced Late Communications. Two applicants spoke and Public Hearing closed. Motion to approve staff recommendation as amended – to allow slope to begin at property line and return to Council with CUP for fence exceeding 42 inches. Approved as amended 6 – 1 (Cook No)

D-3. (City Council) Public Hearing to Consider Approval of Entitlement Plan Amendment No. 04-08 (Nautical North Residential Development – Rear Slope Modifications for Four Lots: 6454, 6455, 6464 and 6465 Marygale Circle (Located at the Terminus of Marygale Circle, West of Edwards Street, South of Ellis Avenue) Filed by Applicant, Fred Tinker (420.40)

Applicant: Fred Tinker

Request: To amend the previously approved site plan by permitting modifications to rear slopes on four lots located at the terminus of Marygale Circle. The modifications include construction of a five-foot high retaining wall topped with a one-foot block wall and two feet of view fencing in order to allow an extension of the usable rear yards ranging from approximately 12 feet to 30 feet in depth.

Location: 6454, 6455, 6464, and 6465 Marygale Circle (Terminus of Marygale Circle, south of Ellis Avenue)

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

On file: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Thursday, March 17, 2005.

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

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

Recommended Action:

STAFF RECOMMENDATION: Motion to:

Approve Entitlement Plan Amendment No. 04-08 to permit modifications to the rear slopes of four lots within the Nautical North development with findings and conditions of approval (Attachment No. 1).

Associate Planner Paul DaVeiga gave PowerPoint presentation. Discussion among Council and staff. Public Hearing opened. City Clerk read Late Communications. One applicant spoke, Public Hearing closed.

Motion to approve staff recommendation - Failed 3 – 4 (Sullivan, Hardy, Green, Cook – No).

Motion to Deny with findings for denial: preserving slope, minimize grading, potential of future damage from slope sliding.

Denial Approved 4 – 3 (Hansen, Coerper, Bohr - No)

E. CONSENT CALENDAR

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

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

E-1. (City Council/Redevelopment Agency) Minutes (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of February 22, 2005 and City Council Special Meeting of February 28, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Councilmember Green clarified reason for voting no for paying League of California Cities bill. Bill not due until April 13, audit not finished but was required by League's bylaws annually.

Approved 7 – 0

E-2. (City Council) Receive and File the Fiscal Year 2003-04 Park Impact Fee Annual Report (310.10) – Receive and file the *Park Impact Fee Annual Report – Fiscal Year 2003-2004*. Submitted by the Community Services Director. Funding Source: Not applicable.

Approved 7 – 0

E-3. (City Council) Adopt Resolution No. 2005-18 Amending the City Classification Plan by Modifying Street Maintenance Crewleader, Firefighter and Senior Detention Officer (700.10) – Adopt **Resolution No. 2005-18** – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying the Classification for Street Maintenance Crewleader, Firefighter and Senior Detention Officer in the City Classification Plan.” Submitted by the Acting Administrative Services Director. Funding Source: There is no fiscal impact to this action.

Adopted 7 – 0

E-4. (City Council) Accept Pier Plaza Flagpole Project Donated by the American Legion (160.40) – Accept the Pier Plaza flagpole project as completed by the American Legion and donated to the City of Huntington Beach. Submitted by the Community Services Director and Acting Public Works Director. Funding Source: Not applicable, donation from American Legion.

Mayor Pro Tem Sullivan commented on fundraising by American Legion 133.

Approved 7 – 0

E-5. (City Council) Accept Bid and Award Construction Contract to R. J. Noble Company for the Police Department Parking Lot Expansion Project; CC-1271 (600.80) –
1. Accept the lowest responsive and responsible quote submitted by R. J. Noble Company, in the amount of \$24,970 for the Police Parking Lot Expansion Project, CC-1271; and 2. Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the sample contract attached; and 3. Authorize the Director of Public Works to expend up to twenty percent (20%) in construction change orders. Submitted by the Acting Public Works Director. Funding Source: Funds are available from the Police Department Narcotic Forfeiture Fund Account No. 21470101.82200. The engineer's estimate for this project is \$20,000.00.
Approved 7 – 0

E-6. (City Council) Amend the Capital Improvement Program for Fiscal Year 2004/2005 by Adding Warner Avenue Fire Station Traffic Signal; CC-1264 – Authorize the Director of Public Works to Advertise for Bids (600.55) – 1. Amend the Capital Improvement Program for Fiscal Year 2004/2005 to add the Warner Avenue Fire Station Traffic Signal; CC-1264; and 2. Upon finalization of the project plans and specifications, authorize the Director of Public Works to request public bids for the construction of the Warner Avenue Fire Station Traffic Signal, CC-1264. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$150,000 are available in the Traffic Impact Fee Fund, Traffic Signals (#20690007.82700).
Approved 7 – 0

E-7. (City Council) Accept Transfer of Ownership of Signal Maintenance, Inc. (SMI) to Republic Electric (Slater Avenue/Geraldine Lane Traffic Signal – CC-1253 (600.55) – Approve the transfer of ownership from Signal Maintenance, Inc. to Republic Electric, which would allow the City to accept the warranty bond and release retention to Republic Electric. Submitted by the Acting Public Works Director. Funding Source: Not applicable.
Approved 7 – 0

E-8. (City Council) Approve the Annual Fair Share Traffic Impact Fee Program Report for Fiscal Year 2003/2004 (340.20) – Approve the *Traffic Impact Fee Program Fiscal Activity Summary 10/1/99 to 9/30/04*. Submitted by the Acting Public Works Director. Funding Source: No funding is required for this action.
Approved 7 – 0

E-9. (City Council) Adopt Resolution No. 2005-24 Extending Application of Administrative Regulation No. 412, Pertaining to Harassment in Employment Policy, to Elected and Appointed City Officials (120.10) – Adopt Resolution No. 2005-24 – “A Resolution of the City Council of the City of Huntington Beach Extending Application of Administrative Regulation No. 412 Pertaining to Harassment in Employment Policy to Elected and Appointed City Officials.” Submitted by the Acting Administrative Services Director. Funding Source: Not applicable.
Adopted 7 – 0

E-10. (City Council) Adopt Resolution No. 2005-25 Requesting Caltrans Approve the Closure of Pacific Coast Highway for the Fourth of July Parade and Fireworks - Adopt Resolution No. 2005-26 Authorizing Local Street Closure for the Fourth of July - Approve Additional Budget Allocation for Relocating the Fourth of July Fireworks to the Pier – Approve Parking Revenue Surcharge – Approve Partial Closure of Pier on the Fourth of July (800.60) – 1. Adopt Resolution No. 2005-25 - “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 Fourth of July Parade and Fireworks"; and **2.** Adopt **Resolution No. 2005-26** – “A Resolution of the City Council of the City of Huntington Beach Authorizing Street Closure for the Fourth of July”; and **3.** Authorize an additional budget allocation of \$128,440 from the 4th of July Fund reserves to cover the additional costs of relocating the fireworks to the Pier as follows: \$51,570 into Overtime Accounts #20445803.53000; \$2,582 into Permanent Salaries Account #20445803.51000; \$1,598 into Temporary Salaries Account #20445803.52000; \$69,690 into Contractual Services Account #20445803.69450; and \$3,000 into #20445803.63000 for equipment and supplies; said costs to be offset by revenues generated by Fourth of July Executive Board and parking revenue surcharge; and **4.** Approve a \$10 surcharge to the daily parking fee for South Beach, and an \$8 surcharge to the daily parking fee for Pier Plaza parking lots on July 4, 2005, said surcharge to be used to help offset the extra Fourth of July costs. The daily public parking fees for the beach and Pier Plaza lots would be \$20 per auto; and **5.** Approve charging the Council-approved \$12 daily maximum fee at the Main Promenade Parking Structure upon entering, instead of the Council-approved \$1.50 per hour (\$12 maximum) upon exiting; and **6.** Approve partial closure of the Pier at 5:00 A.M. and full closure at 5:00 P.M., as well as use of a portion of the pier for a ticketed, VIP area from 5:00 P.M. until conclusion of the fireworks. Submitted by the Community Services Director. Funding Source: 4th of July Fund Reserves; funds to be replaced with revenues generated from event sponsorships, parking revenue, and participation fees.

Mayor Pro Tem Sullivan announced concerns regarding closing highway.

Approved 5 – 2 (Sullivan, Green No)

E-11. (City Council) Approve Final Tract Map No. 16573 of Tentative Tract Map No. 16573 (2320 Delaware 1 Lot Subdivision) Located East Side of Delaware Street, South of Yorktown Avenue – Approve Subdivision Agreement with Team Delaware, LLC (420.60)

1. Approve Final Tract Map No. 16573 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approve the *Subdivision Agreement By and Between the City of Huntington Beach and Team Delaware, LLC for Tract No. 16573* and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16573 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16573 Conditions of Approval, as approved by the Planning Commission. **Requirements: (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 245832 (Attachment No. 7); (b) Labor and Material Bond No. 245895 (Attachment No. 7); (c) Monument Bond No. 245833 (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

Approved 7 – 0

E-12. (City Council) Approve the Release of Securities for Tract No. 15943 Located at the N/E Corner of Huntington Street and Garfield Avenue and Accept the Public Improvements – Sassounian, Adams and Zuckerman, LLC Developers – Accept Guarantee and Warranty Bond (American Motorists Insurance Co.) (420.60) – 1. Accept the improvements constructed and dedicated for public use with Tract No. 15943; and **2.**

Guarantee and Warranty Bond No. 838904S, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **3.**

Release the Faithful Performance/Labor and Material Bond No. 3SM 98831800 and Monument Bond No. 3SM98831900 pursuant to California Government Code Section No. 66499.7(a); and **4.** Instruct the City Clerk to notify the developer, Sassounian, Adams and Zuckerman, LLC., of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and **5.** Instruct the City Clerk to record the "Acceptance of Public Improvements" (Attachment 1) with the Orange County Recorder. Submitted by the Acting Public Works Director. Funding Source: Not Applicable.

Mayor Hardy abstained due to potential conflict of interest. Mayor Pro Tem Sullivan inquired regarding late communication. Public Works director responded.
Approved 6 – 0 – 1 (Hardy abstain)

E-13. (City Council) Approve Landscape License Agreement between the City and the Ocean View School District and Lowe's Home Improvement Warehouse (HIW), Inc. for Continued Maintenance of Improvements within Public Right-of-Way Adjacent to the Development (8175 Warner Avenue) (600.10) – Approve and authorize the Mayor and City Clerk to execute the *License Agreement between the City of Huntington Beach, California, Ocean View School District of Orange County and Lowe's HIW, Inc., to Maintain Landscaping within Certain Public Right of Way.* Submitted by the Acting Public Works Director. Funding Source: No funding is required for this action.

Approved 7 – 0

E-14. (City Council) Approve Joint Agreement between the City and the Orange County Board of Supervisors for Implementation and Operation of the Voice/Radio System: 800 Megahertz Countywide Coordinated Communications System (800 MHz CCCS) (600.25) – Approve and execute the Joint Agreement titled, *Joint Agreement for the Operation, Maintenance, and Financial Management of the Orange County 800 Megahertz Countywide Coordinated Communications System – November 2004* and authorize the Mayor and City Clerk to execute two copies of the Joint Agreement, one for the County Clerk and one original for the City Clerk's records. Submitted by the Acting Information Services Director. Funding Source: There is no new funding obligation by approving this agreement; however, the financial obligation this year for Huntington Beach's share of the 800 MHz CCCS backbone cost is \$232,209.00, which has been approved by Council and budgeted in Account 10042155.67740.

Mayor Pro Tem Sullivan asked for clarification on funding. Chief Small reported.
Approved 7 – 0

E-15. (City Council) Approve Emergency Response Agreement between the City and "The Agencies" (the California State Department of Parks and Recreation, the County of Orange and Designated Cities) for Exchange of Open Water Lifeguard Services (600.20) – Approve and authorize the Mayor and City Clerk to execute an Emergency Response Agreement with the California Department of Parks and Recreation, the County of Orange, the City of Laguna Beach, the Lake Mission Viejo Association, the City of Newport Beach, the City of San Clemente, and the City of Seal Beach, hereinafter referred to as "The Agencies." Submitted by the Community Services Director. Funding Source: None required.

Approved 7 – 0

E-16. (City Council) Approve Two License Renewal Agreements between the City and Southern California Edison for Arevalos Park and Edison Park (600.10) – 1. Approve the proposed License Agreement with SCE for Arevalos Park, titled *License Agreement, Property No. POHBE858F62, Account No. 2145* and authorize the Mayor and City Clerk to execute all documents necessary to effectuate this transaction; and **2.** Approve the proposed License

Agreement with SCE for Edison Park, titled *License Agreement, Property No. POHBE888C21, Account No. 2150* and authorize the Mayor and City Clerk to execute all documents necessary to effectuate this transaction; and **3.** Direct staff to prepare an amendment to the Municipal Code prohibiting dogs in SCE parkland areas. Submitted by the Economic Development Director and the Community Services Director. Funding Source: Total of \$1,648 annual payment (for five years) from the Park Acquisition and Development Fund (\$520 for Arevalos Park and \$1,128 for Edison Park).

Approved 7 – 0

E-17. (City Council) Accept the Annual Sanitary Sewer Facilities Fund Report (1020.70) – Accept the Annual Sanitary Sewer Facilities Fund Report for FY 2003/2004. Submitted by the Acting Public Works Director. Funding Source: No funding is required for this action.

Approved 7 – 0

F. Administrative Items

F-1 (City Council) Approve Staffing Priorities and Restoration of Critical Services and Positions by Amending the Fiscal Year 2004/05 Budget Table of Organization and Approve Appropriation from General Fund to Department Budgets Accordingly (700.10) Communication from the City Administrator and Acting Assistant City Administrator, the Acting Administrative Services Director and the Finance Officer transmitting the following **Statement of Issue:** Should the City Council approve an appropriation of \$507,000 to fund restoration of certain full-time and part-time positions through the end of Fiscal Year 2004/05? The annualized additional cost for these positions would be \$2,480,000 beginning in Fiscal Year 2005/06.

Recommended Action: Motion to:

Approve restoring the positions listed in Attachment 2 by amending the Fiscal Year 2004/05 Budget Table of Organization (Attachment 3). Appropriate \$507,000 from the General Fund to the following departmental budget accounts:

10035202	Administrative Services	\$48,000
10025101	City Treasurer	7,500
10025201	City Treasurer	7,500
10045206	Community Services	37,000
10065201	Fire	31,000
10065203	Fire	109,000
10050401	Library	15,500
10050402	Library	15,500
Not Applicable	Planning	0
10070302	Police	32,700
10070401	Police	83,300
10085602	Public Works	93,000
10085102	Public Works	27,000

and increase those department budgets for Fiscal Year 2004/05.

City Administrator Culbreth-Graft reported orally.

Approved 7 – 0

F-2. (City Council) Approve Proposed Changes to the City-Wide Table of Organization Deleting the Positions of the Assistant City Administrator and Administrative Services Director - Approve Amendments to the Finance Officer and the Deputy City Administrator Job Descriptions and Pay Grades – Direct the City Administrator and the City Attorney to Prepare Amendments to the Municipal Code (700.10)

Communication from the City Administrator transmitting the following **Statement of Issue:** Changes to the city-wide Table of Organization are proposed to address overall city administration. The proposal recommends deletion of the Assistant City Administrator and Administrative Services Director positions and the addition of two Deputy City Administrators. It also would require changes in duties of the Finance Officer. The report outlines how the structure would function and provides justification for the proposed changes.

A communication is included in the agenda packet.

Staff recommends the City Council to do the following:

Recommended Action: Motion to:

1. Approve the proposed changes to the Table of Organization;

and

2. Approve the changes to the job description for the Finance Officer and set the Pay Grade at 622;

and

3. Approve the job description for the Deputy City Administrator and set the Pay Grade at 629;

and

4. Direct the City Administrator and the City Attorney to prepare the necessary changes to the Municipal Code.

City Administrator Culbreth-Graft gave PowerPoint report.

Approved 7 – 0

F-3. (City Council) Adopt Resolution No. 2005-23 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for Non-Represented (Non-Associated) Employees (720.20)

Communication from the Acting Administrative Services Director transmitting the following **Statement of Issue:** Should the Resolution that authorizes the pay and benefits for the non-represented (Non-Associated) employees be modified for the period of January 1, 2005 through December 31, 2006?

Recommended Action: Motion to:

Adopt **Resolution No. 2005-23** – “A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Non-Represented Employees for the Period 1/1/05 Through 12/31/06.”

City Administrator Culbreth-Grath gave PowerPoint report. Councilmember Sullivan stated opposition to increase in holiday pay from 8 to 9 or 10 hours.

Adopted as amended by Late Communication 6 – 1 (Sullivan No)

F-4 (City Council) Adopt Resolution No. 2005-21 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for the Elected City Treasurer (720.20)

Communication from the City Treasurer transmitting the following **Statement of Issue:** Should the Resolution that authorizes the pay and benefits for the City Treasurer be modified to be the same as proposed for Non-Associated (non-represented) employees of the City?

Recommended Action: Motion to:

Adopt **Resolution No. 2005-21** – “A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for 1/1/05 Through 12/31/06 for the Elected City Treasurer.”

City Administrator Culbreth-Graft gave PowerPoint report.

Adopted 6 – 1 (Sullivan No)

F-5. (City Council) Adopt Resolution No. 2005-27 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for the Elected City Clerk (720.20)

Communication from the City Clerk transmitting the following **Statement of Issue:** Should the Resolution that authorizes the pay and benefits for the City Clerk be modified to be the same as proposed for Non-Associated (non-represented) employees of the City?

Recommended Action: Motion to:

Adopt **Resolution No. 2005-27** – “A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Salary for 1/1/05 Through 12/31/06 for the Elected City Clerk.”

City Administrator Culbreth-Graft gave PowerPoint report.

Adopted 6 – 1 (Sullivan No)

F-6. (City Council) Adopt Resolution No. 2005-22 Modifying Pay and Certain Benefits for the Period of January 1, 2005 through December 31, 2006 for the Elected City Attorney (720.20)

Communication from the City Attorney transmitting the following **Statement of Issue:** Should the Resolution that authorizes the pay and benefits for the City Attorney be modified to be the same as proposed for Non-Associated (non-represented) employees?

Recommended Action: Motion to:

Adopt **Resolution No. 2005-22** – “A Resolution of the City Council of the City of Huntington Beach Establishing Benefits for the Period 1/1/05 Through 12/31/06 for the Elected City Attorney.”

City Administrator Culbreth-Grath gave PowerPoint report.

Adopted 6 – 1 (Sullivan No)

F-7. (City Council) Deferred from March 7, 2005 - Adopt Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach (600.25)

Communication from the Fire Chief transmitting the following **Statement of Issue:** The attached agreement with the City of Huntington Beach and the Orange County Fire Authority for the exchange of fire, rescue, and emergency medical services is proposed for adoption,

along with an agreement for advanced life support emergency medical services to the Sunset Beach area.

Recommended Action: Motion to:

Approve and authorize the Mayor and City Clerk to execute the *Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services Between the Orange County Fire Authority and the City of Huntington Beach* and approve the Agreement for advanced life support emergency medical services to the Sunset Beach area. Submitted by the Fire Chief. Funding Source: None required. (The Automatic Aid agreement includes an MOU [Memoranda of Understanding] between the Orange County Fire Authority and the City of Huntington Beach.)

Fire Chief Olsen reported orally. Amendments to the recommended action – per Late Communication revising page 3 of the agreement and Chief to report annually to Council on agreement.

Approved as amended 7 – 0

G. Ordinances

G-1. Ordinances for Adoption

G-1a. (City Council) Adopt Ordinance No. 3699 Amending Section 10.44 of the Huntington Beach Municipal Code Regulating Parking Time Limits of Oversized Vehicles, Recreational Vehicles and Detached Trailers on City Streets - Ordinance No. 3699 – (560.20) – “An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Oversized Vehicle Parking.” (Approved for introduction as amended on March 7, 2005.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3699**, by roll call vote.

Adopted 6 – 1 (Sullivan No)

The following Emergency Ordinance requires 5 affirmative votes for adoption:

Emergency Ordinance for Adoption

G-1b. (City Council) Adopt Emergency Ordinance No. 3703 Amending Huntington Beach Zoning and Subdivision Chapter 204 (Use Classifications) and Chapter 212 (Industrial Districts) to Include Regulation of Medical Marijuana Dispensaries (570.10) Communication from the City Attorney, the Police Chief and the Planning Director transmitting - **Ordinance 3703** - “An Emergency Ordinance of the City of Huntington Beach Amending Chapter 204 (Use Classifications) and Chapter 212 (Industrial Districts) of the Huntington Beach Zoning and Subdivision Ordinance to Include Medical Marijuana Dispensaries.”

Recommended Action: After the City Clerk reads by title; adopt **Emergency Ordinance No. 3703** by roll call vote.

Adopted 7 – 0

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items**H-1a. Submitted by Councilmember Gil Coerper****(City Council) Approve Sponsorship by the City of the 3rd Battalion, 1st Marines of Camp Pendleton – Direct the City Administrator to Establish a Donation Account to Support the Battalion - Appoint Councilmember Gil Coerper and Other Interested Councilmembers to Coordinate the Program (160.10)**

Communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: I was asked by Assemblyman Tom Harman to meet with him and a small group of individuals to discuss the possibility of the City of Huntington Beach being a sponsor of a Marine Battalion.

ANALYSIS:

The idea of sponsorship has been used in other cities to provide a way that a local community can support our military and their families. The proposal is for the City of Huntington Beach to adopt the 3rd Battalion of the 1st Marines from Camp Pendleton. The City of Newport Beach previously adopted the 1st Battalion of the 1st Marines from the same base. The role that the city would play, if approved by the Council, would be to formally declare its sponsorship or adoption of the Battalion and provide a collection and distribution point for funds that would be made to support the Battalion. In the case of the city of Newport Beach, the city provides the accounting and banking functions for donations and works with a community group of representatives who oversee the needs of the Battalion. Newport's program has helped with car repairs of the spouse of a Marine while the Marine was in active service, linked local doctors with special physical needs resulting from war injuries, assisted with travel expenses when there was a death in the family of a Marine assigned to active duty, and helped with minor household expenses in cases of emergencies. Other activities have included sponsored dinners or community events to host the Marines and their families.

Through this program, the community also benefits from the sponsorship. For example, the Marines participate in voluntary activities in their city. In one case, Marines from the sponsored Battalion work with children with disabilities. Finally, it was mentioned that the Marines participate in local events such as parades and other festive occasions.

I would like to propose that the City Council formally adopt the 3rd Battalion, 1st Marines and request that the City Administrator be directed to establish an account to receive and disburse cash donations that would be received from the public on behalf of this program. I believe that a community effort should be taken to conduct the program and would suggest that I be allowed to represent the city in working with interested members of the public to move this sponsorship forward.

RECOMMENDED ACTIONS:

1. The City of Huntington Beach formally adopt the 3rd Battalion, 1st Marines of Camp Pendleton;

and

2. Direct the City Administrator to establish a donation account to receive and disburse cash donations;

and

3. Appoint Councilman Coerper and any other interested Council Members to work with interested members of the public in coordinating this program.

Councilmember Coerper reported orally. Motion to approve recommended action amended to include #4 – Work with “Key Volunteer Network” of Marines.

Approved 7 – 0

Mayor Hardy appointed Councilmember Green and Mayor Pro Tem Sullivan to assist with #3.

Council Comments - (Not Agendized)

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

Council/Agency Adjournment at 10:45pm to Monday, April 4, 2005 at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

**JOAN L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

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