

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

****Meeting Time Change - Page 1 and Closed Session Added - Page 2****

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

MONDAY MAY 2, 2005

4:00 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

Call City Council/Redevelopment Agency Meeting to Order

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

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.)

Study Session

Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

None

(City Council/Redevelopment Agency) Deferred from 4/18/05 - Presentation by the Finance Department Re: Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003/2004 and Mid Fiscal Year 2004/2005 Budget Status (310.20)

Presentation to be given by Dan T. Villella, Finance Officer transmitting the Comprehensive Annual Financial Report (CAFR) for fiscal year ended September 30, 2004 and mid-fiscal year 2004/2005 budget status.

City Administrator Penny Culbreth-Graft introduced Finance Officer Dan Villella who gave a PowerPoint report and spoke relative to the audited financial statements, General Fund budget overview and projections for 2004/2005. Mr. Villella concluded with a budgetary calendar. A Public Hearing is proposed for September 6, 2005.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items: Approved by consensus of all present, none absent.

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its 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: one (1).** Subject: **Potential Litigation (120.80)**

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its 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: Unknown at this time.** Subject: **Potential Litigation re: Enforcement of Covenants, Conditions and Restrictions for Affordable Housing. (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 and HBFA.** 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 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: 481.** 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)).

None

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

Pledge of Allegiance/Flag Salute – To be led by the Mayor

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 announced by the Mayor – ***Rabbi Michael Mayerson, President Elect of Greater Huntington Beach Interfaith Council.***

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.**

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

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Study Session, E-2, F-2.

Presentation - Mayor Jill Hardy to call on ***Janeen Laudenback and John Valinsky*** from the Community Services Department to accept a check from the Kiwanis Club for \$3,000. ***Community Services asked for volunteers for the Fishing Derby this Friday.*** (160.40)

Presentation - Mayor Jill Hardy to call on Manager of Corporate Relations John Borack from Time Warner Cable to present the winner of the "Bravo on with the Show" nationwide contest. The winner is Huntington Beach Student Alexis Sweeney who won a trip to New York City to train and perform on Broadway. ***Commendation also presented by the Mayor.*** (160.40)

Presentation - Mayor Jill Hardy to call on Police Chief Ken Small to introduce Tracy Miller and Tanya Dabir from Mothers Against Drunk Driving (MADD), who will present annual awards to 12 worthy Huntington Beach police officers. (160.40)

Mayor's Award - Mayor Jill Hardy to call on Community Services Director Jim Engle to present the Mayor's Award to Senior Transportation Driver John McGrew. (160.40)

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 agendaized.

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

Speaker on behalf of Huntington Pacific Homeowners Association, presented a PowerPoint report stating that a paint ball tournament occurred 10 feet from property and is an invasion of privacy. He read from letters written by homeowners describing disturbances and the aftermath of paintball litter.

Speaker referred to a Late Communication and spoke in opposition to HBFA MOU pay increases.

Speaker spoke as a former member of Planning Commission urging proper notification to citizens and Council be considered when approving streamlining items.

Speaker urged Council to give consideration to what he referred to as flaws in the desalination plan, stating concerns regarding air pollution and water contamination.

President of Save Our Strays (SOS) of Huntington Beach asked Council for support on agenda item E-9.

Speaker on water committee spoke regarding conservation and what he termed gray water issues.

Speaker spoke regarding Poseidon and referred to article on Tampa Bay project challenges. He cited concerns relative to chemicals discharged as a result of desalination and urged Council to deny the project.

Speaker in opposition to Poseidon desalination plant and inadequacy of EIR voiced concerns about aesthetics and asked Council to tour the area and then deny project.

Speaker referred to letters related to release of bonds for Crystal Island project, stating concerns about alleged developer violations. He spoke in opposition to Public Hearing item D-1 and suggested adequate notification on streamlining ordinances.

Speaker, President of Huntington Beach Firefighters Association, thanked all involved in the negotiation of the contract. He asked Council to support the contract and for a unanimous vote.

Speaker in opposition to proposed Poseidon desalination plant and what he referred to as a lack of proven success in this type of project.

Speaker in opposition to De Vore Bill, gave an update on Assembly Committee votes and thanked Council for their efforts.

Speaker relative to the Arts and Craft Fair, asked Council to meet with her to discuss recommendations for improvement. Mayor Hardy referred speaker to Council Secretary, Cathy Fikes.

Speaker in opposition to City purchase of school sites, Item F-1, stated his concerns relative to a bond sale and precedence it sets. Stated funding preference for education over extra-curricular activities.

Speaker, President of Save Our Field spoke in support of agenda item F-1 and offered his assistance.

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

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

Councilmember Green announced 4th of July Committee appointee, Michael Risk.

Councilmember Coerper updated on "3/1" Marine Battalion events, past and future.

Councilmember Sullivan reported on Floor Area Ratio (FAR) Ad Hoc Committee discussion and asked staff to suggest guidelines to Council not related to FAR.

Mayor Hardy reported on a meeting with City Administrator and Councilmember's Bohr and Hansen relative to a strategic plan for the future.

C-2. City Administrator's Report

None

C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's March 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 March 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 March 2005*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Treasurer Freidenrich presented PowerPoint report.

Approved 7 – 0

D. PUBLIC HEARINGS

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

D-1. (City Council) Public Hearing to Reconsider City Council's Denial on 4/18/05 of Entitlement Plan Amendment No. 04-08 (Nautical North Residential Development – Rear Slope Modifications for Four Lots: 6454, 6455, 6464 and 6465 Marigayle Circle (Located at the Terminus of Marigayle Circle, West of Edwards Street, South of Ellis Avenue) Originally Filed by Applicant, Fred Tinker (420.40)

Applicant: Fred Tinker

Request: A reconsideration of the City Council's denial of EPA No. 04-08 on March 21, 2005. EPA No. 04-08 is a request to amend a condition of approval for the previously approved tentative tract map (#15960) by permitting modifications to rear slopes on four lots located at the terminus of Marigayle 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 Marigayle Circle (Terminus of Marigayle 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, April 28, 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: Motion to:

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).

Planning Director Howard Zelefsky and Associate Planner Paul DaVeiga gave oral reports. Open Public Hearing, 4 speakers, close Public Hearing, council discussion regarding reasons for reconsideration.

Approved 6 – 1 (Cook 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 April 4, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 7 – 0

E-2. (City Council) Receive and File City Clerk's Quarterly Report Listing Professional Services Agreements Filed in the City Clerk's Office Between January 1, 2005 through March 31, 2005 (100.30) – Receive and file the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03* and submitted to the City Clerk's Office for the period January 1, 2005 through March 31, 2005. Submitted by the City Clerk. Funding Source: Not Applicable.
Approved 7 – 0

E-3. (City Council) Authorize the Fire Chief to Sign Orange County Fire F.R.I.E.N.D.S. (Firesetter Regional Intervention Education Network and Delivery System) Memorandum of Understanding (MOU) (600.25) – Authorize the Fire Chief to sign the Orange County Fire F.R.I.E.N.D.S. M.O.U. Submitted by the Fire Chief. Funding Source: None required.
Approved 7 – 0

E-4. (City Council) Adopt Resolution Number 2005-31 Opposing Assembly Bill 991 (De Vore) to Change the Structure of the Orange County Vector Control Board of Trustees (120.70) – Adopt **Resolution Number 2005-31** - "A Resolution of the City Council of the City of Huntington Beach Opposing Assembly Bill 991 (De Vore) to Change the Structure of the Orange County Vector Control Board of Trustees." Submitted by the City Attorney. Funding Source: Not applicable.
Councilmember Green pulled item to amend: Remove paragraph 5 and amend paragraph 6 eliminating "AB 991 De Vore" instead stating "Any reduction of the Vector Control Board" and revising title of resolution to remove the words "Assembly Bill 991 (De Vore) To Change the Structure" and replace them with "The Restructure".
Adopted as amended 5 – 2 (Hardy, Cook No)

E-5. (City Council) Adopt Resolution Number 2005-32 Authorizing the City Attorney to Initiate Certain Legal Actions on Behalf of the City Re: Filing of Litigation (630.50) – Adopt **Resolution Number 2005-32** - "A Resolution of the City Council of the City of Huntington Beach Authorizing the City Attorney to Initiate Certain Legal Actions on Behalf of the City." Submitted by the City Attorney. Funding Source: Not applicable.
Councilmember Sullivan pulled item and inquired if City Attorney has any objection to calling Mayor prior to filing. City Attorney McGrath agreed to amend resolution.
Adopted as amended 7 - 0

E-6. (City Council) Approve the Release of the Guarantee and Warranty Bond for Tract No. 15690 Located at West Side of Edwards Street Approximately 150 feet South of Ellis Avenue (Builder - Lennar Homes) (420.60) – 1. Release Guarantee and Warranty Bond No. 1041-25095, the security furnished for guarantee and warranty of improvements; and **2.** Instruct the City Clerk to notify the builder, Lennar Homes of California, of this action, and the City Treasurer to notify the Surety, **Travelers Casualty and Surety Company of America**, of this action. Submitted by the Acting Public Works Director. Funding Source: Not applicable.
Approved 7 – 0

E-7. (City Council) Reject All Bids for Traffic Signals at Graham Street and Heil Avenue, CC-1217; and Nichols Street and Slater Avenue, CC-1236 – Authorize to Re-Advertise (600.55) – 1. Reject all bids received for the Traffic Signals at Graham Street and Heil Avenue, CC-1217; and at Nichols Street and Slater Avenue, CC-1236, and direct the City Clerk to return all bid bonds; and **2.** Authorize the Director of Public Works to re-advertise the project. Submitted by the Acting Public Works Director. Funding Source: Project funds are budgeted in Traffic Impact Fee, Traffic Signals, Account No. 20690007.82700. The engineer's estimate for construction is \$175,000.

Approved 6 – 0 – 1 (Bohr out of room)

E-8. (City Council) Adopt Resolution Number 2005-33 Authorizing Execution of Program Supplement Agreement for Preliminary Engineering Services Related to the Design Phase of the Beach Boulevard Landscape Enhancement Transportation Enhancement Activities (TEA) Project (340.70) – Adopt Resolution Number 2005-33 - “A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement No. M029 to Agreement No. 12-5181 for Beach Boulevard Parkway Landscape Enhancement Project for preliminary engineering.” Submitted by the Acting Public Works Director. Funding Source: The project is budgeted in TEA Grant Fund, Beach Boulevard, Street Improvements, 89090003.82300.
Councilmember Sullivan inquired City vs. Caltrans funding. Dave Webb responded regarding citizen's requests for improvements and specific grant funds. Councilmember Sullivan stated reasons for opposition.
Adopted 6 – 1 (Sullivan No)

E-9. (City Council) Approve Amendment No. 1 to Grant Agreement between the City and Save-Our-Strays (SOS) of Huntington Beach for Low/No Cost Animal Microchipping and Spay/Neuter Services and Supplies (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute the additional funding addendum to the original grant agreement, titled *Amendment No. 1 to Grant Agreement between the City of Huntington Beach and Save-Our-Strays of Huntington Beach for Low Cost Animal Care Services* for the provision of low/no cost animal microchipping and spay/neuter services; and **2.** Approve the funding of a \$15,000 grant to the Save-Our-Strays Program to provide the supplies and services for the animals. Submitted by the Police Chief. Funding Source: The total grant amount of \$15,000 is within the 2004-2005 non-departmental General Fund budget, account number 10040101. These funds are available as a result of savings from the City's contract with the County of Orange Animal Care Services for animal control. No additional appropriations are necessary.
Approved 7 – 0

E-10. (City Council) Approve Transfer of the Community Services Department's Parking Control Program to the Control and Supervision of the Police Department and Modify the Table of Organization for Both Departments (700.10) – Approve the transfer of the Community Services Parking Control Program to the control and supervision of the Police Department, including approval to modify the table of organization at both departments to reflect the transfer of one permanent and two recurrent Parking Control Officers (PCO). Submitted by the Police Chief and the Community Services Director. Funding Source: The three staff personnel and their associated budgets will be transferred from Community Services Department to the Police Department.

Approved 7 – 0

E-11. (City Council) Approve Transfer of the Information Services Department's Information Services Technician IV to the Control and Supervision of the Police Department and Modify the Table of Organization for Both Departments (700.10) – Approve the transfer of the Information Services Technician IV to the control and supervision of the Police Department, including approval to modify the table of organization at both departments to reflect the transfer of one permanent position. Submitted by the Police Chief and the Acting Information Services Director. Funding Source: The one staff person and the associated budget will be transferred from Information Services Department to the Police Department.

Approved 7 – 0

F. Administrative Item

F-1. (City Council) Approve Surplus School Property Purchasing Plan and Direct Staff to Update as Additional School Sites are Surplused for City Council Approval (650.10) Communication from the Planning Director and the Community Services Director transmitting the following **Statement of Issue:** The disposal of surplus school property that qualifies as park or recreational open space is regulated by the Naylor Act. This Act gives the City first priority to acquire a surplus school site but requires the City to adopt a Surplus School Property Purchasing Plan prior to such acquisition. This report transmits a Surplus School Property Purchasing Plan for the City of Huntington Beach for City Council consideration.

Recommended Action: Motion to:

1. Approve the Surplus School Property Purchasing Plan (ATTACHMENT NO. 1);

and

2. Direct staff to update the Surplus School Property Purchasing Plan as additional school sites are surplused for City Council approval.

Planning Director Zelefsky gave oral report.

Approved 7 – 0

F-2. (City Council) Adopt Resolution No. 2005-34 Approving Memorandum of Understanding between the City and the Huntington Beach Firefighters' Association (HBFA) for September 25, 2004 through September 24, 2007 (720.20)

Communication from the Acting Director of Administrative Services transmitting the following **Statement of Issue:** Should the City and the Huntington Beach Firefighters' Association enter into a new Memorandum of Understanding (MOU) covering the period September 25, 2004 through September 24, 2007?

Recommended Action: Motion to:

Adopt **Resolution No. 2005- 34** - *“A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Firefighters’ Association (HBFA) and the City of Huntington Beach for September 25, 2004, through September 24, 2007.”*

Senior Deputy City Clerk Dale Jones announced Late Communications. City Administrator Culbreth-Graft gave overview and outlined retention challenges. Fire Chief Duane Olson gave PowerPoint report. Extensive Council discussion. Adopted 6 – 1 (Sullivan No)

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

G-1a. (City Council) Adopt Ordinance Numbers 3705 through 3711, Inclusive as Approved for Introduction on 4/18/05 and Adopt Ordinance Numbers 3712 and 3713 - Approved for Introduction as Amended on 4/18/05 for the City Wide Entitlement Permit Streamlining Project - Phase II Amending 8 Chapters of the Huntington Beach Zoning and Subdivision Code and Amending Various Sections of the Downtown Specific Plan SP-5 (450.20)

Ordinance No. 3705 – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DEFINITIONS CHAPTER OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203;” and*

Ordinance No. 3706 – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE RELATING TO RESIDENTIAL DISTRICTS;”*

Ordinance No. 3707 – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED COMMERCIAL DISTRICTS;” and*

Ordinance No. 3708 – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED INDUSTRIAL DISTRICTS;” and*

Ordinance No. 3709 – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED OIL PRODUCTION OVERLAY DISTRICT;” and*

Ordinance No. 3710 - *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED SITE STANDARDS;” and*

Ordinance No. 3711 – *“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED SIGNS;”*

Ordinance No. 3712 as amended – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 241 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE RELATING TO CONDITIONAL AND TEMPORARY USE PERMITS, VARIANCES; AND WAIVER OF DEVELOPMENT STANDARDS;” **and**

Ordinance No. 3713 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN REGARDING DEVELOPMENT STANDARDS.”

(All approved for introduction April 18, 2005)

Recommended Action: After the City Clerk reads by title, adopt by roll call vote, **Ordinance Numbers 3705, 3706, 3707, 3708, 3709, 3710 and 3711** approved as introduced on 4/18/05, and **Ordinance Numbers 3712 and 3713 as amended** on 4/18/05.

Approved for introduction as amended to add “on the next business day and posted on the City website” to page G-1a.185 (c), Ordinance No. 3712

Approved 7 – 0

Adopted Ordinance Nos. 3705, 3706, 3707, 3708, 3709, 3710, 3711 and 3713.

Adopted 7 – 0

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Councilmembers Dave Sullivan and Gil Coerper

(City Council) Direct Staff to Open the Emergency Access Gate between the Huntington Central Park Sports Complex and the Central Library Parking Lot on Weekends for a Trial One-Month Period and Report Back to Council (560.10)

Communication from Councilmembers Dave Sullivan and Gil Coerper transmitting the following **Statement of Issue:** At its June 2, 2003 meeting, City Council approved charging \$1 per vehicle for all day parking at the new Huntington Central Park Sports Complex. As part of that action, Council also approved construction of a six-foot fence and emergency access gate between the sports complex and the library. The fence was considered necessary to prevent sports complex patrons, who had to pay to park, from having an impact on library patrons, who had free parking. The emergency access gate is adjacent to one of the food concessions and is kept locked pursuant to Council action.

A request has been received from Sandy Amersfoorth, operator of the food concession adjacent to the gate, asking that the access gate be opened on weekends for a trial period of one month. Ms Amersfoorth believes that her volume of sales will increase as a result. City staff will monitor the situation to determine whether the library parking lot is impacted.

Recommended Action: Motion to:

Direct staff to open the emergency access gate between the Huntington Central Park Sports Complex and the Central Library parking lot on weekends for a trial period of ~~one month~~ **sixty days**, monitor the activity, and report back to Council.

Councilmembers Sullivan and Coerper reported orally.

Approved as amended to include report on lost revenue to Sports Complex parking and a sixty-day trial period. 6 – 1 (Hardy No)

H-2a. Submitted by Councilmember Debbie Cook

(City Council) Direct the City Attorney to Prepare an Ordinance Repealing Huntington Beach Municipal Code Chapter 2.05 Relating to Gift Ban Limitations (to avoid Dual Standards between State and Local Law, the Amendment took a Significant Step toward Mirroring State Law Gift Ban Limitations, but did not Incorporate All of the Provisions of State Law) and Return to Council for Consideration at the May 16, 2005 Meeting (120.90)

Communication from Councilmember Debbie Cook transmitting the following **Statement of Issue:** In 2003, the City Council, upon the recommendation of the City Attorney, amended the City's Gift Ban Ordinance, Huntington Beach Municipal Code Chapter 2.05. To avoid dual standards between state and local law, the amendment took a significant step toward mirroring state law gift ban limitations, but did not incorporate all of the provisions of state law. Specifically, the City Council set a different gift amount limitation and did not adopt all of the exceptions to the gift ban available under State law.

Unfortunately, the 2003 amendment did not go far enough in alleviating the dual standards and necessity for elected officials and designated city employees from following two separate standards. By maintaining two different standards, it remains likely that an individual can fully comply with state law, yet violate the City's Municipal Code.

State law is sufficient. It has established a standard that sets clear guidelines and still requires elected officials and designated City employees to be vigilant regarding the receipt of gifts.

Recommended Action: Motion to:

Direct the City Attorney to prepare an ordinance repealing Huntington Beach Municipal Code 2.05 for consideration at the meeting of May 16, 2005

Mayor Hardy announced her intention to leave the room for the discussion. Councilmember Cook reported orally.

Approved 6 – 0 – 1 (Hardy out of room)

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.

Councilmember Green congratulated Police Department for the Baker to Las Vegas team and several Soroptomists.

Councilmember Coerper thanked Councilmember Cook on California Water Issues meeting and also congratulated Huntington Beach Police Department Baker to Las Vegas team.

Mayor Hardy asked anyone with memories of World War II to contact her or the Senior Center at 536-9387 to participate in a project with her class occurring on May 19.

Council/Agency Adjournment at 9:55 p.m. to Monday, May 16, 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**

***COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.surfcity-hb.org>***