

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

****Added City Council Item on Page 10****
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

MONDAY, MAY 16, 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.

Deputy City Clerk Patricia Albers recessed.

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
All Present (Sullivan arrived 4:40)

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

None

(City Council/Redevelopment Agency) Study Session – Presentation to be Given by the Consultant, Public Resource Management (PRM) Regarding Cost Allocation and User Fee Study (310.10)

Presentation to be given by the consultant, Public Resource Management (PRM), on the cost allocation and the user fee study.

Finance Officer Dan Vilella introduced Brad Wilkes & Erin Payton from PRM. Mr. Wilkes gave an overview of the study, its goals and objectives. He then clarified the Cost Allocation Plan (CAP), the inclusion of indirect costs, and the benefits of CAP information – including Federal/State Grant reimbursement and SB 90 claims. Ms. Payton gave an explanation of the user fee charts.

Call Closed Session of City Council/Redevelopment Agency

**Recommended Action: Motion to recess to Closed Session on the following items:
*Approved by consensus with 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 **Dennis De Lautour v. City of Huntington Beach**; WCAB Case Nos. ANA 0305751, 0305752, and 0305711; Claims Nos. COHB-95-0066, 96-0100, and 93-0071. Subject: **Dennis De Lautour v. City of Huntington Beach.** (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 **Bert Adkins v. City of Huntington Beach**; WCAB Case Nos. AHM 0099783, 0099766, 0099718, RIV 0003722; LBO 0345221; Claim No. COHB 95-0027. Subject: **Bert Adkins v. City of Huntington Beach.** (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 **Andino v. Orange County Sanitation District, et al**; Orange County Superior Court Case No. 05CC00054. Subject: **Andino v. Orange County Sanitation District, et al.** (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; Chuck Thomas, Acting Director of Administrative Services, Dan Vilella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **PMA, FMA, MSOA, and SCLEA.** Subject: **Labor Relations – Meet & Confer.** (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
All 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 – ***Bruce Templeton, First Christian Church***

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, F-1, H-1a

Presentation - Mayor Jill Hardy to call on Ian Collins, Chair of the Children's Needs Task Force to announce the Youth Character Awards. (160.40)

17 youths were honored with awards.

Presentation - Mayor Jill Hardy to call on Community Services Commission Chair Nick Tomaino to present the annual Youth Sports Grants to various youth sports groups. (160.40)

Grant checks were presented.

Presentation - Mayor Jill Hardy to call on Police Chief Ken Small to announce the results of the 21st Annual Baker to Vegas Challenge Cup Relay. (160.40)

2nd place announced. Special recognition to Team Captain, Gary Gosper.

Mayor's Award - Mayor Jill Hardy to call on Acting Director of Public Works Paul Emery to present the Mayor's Award to Leadworker Geoff Peterson in the department. (160.40)

Councilmember Hansen announced Mayor Hardy's duck came in 2nd at the Duckathon.

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.)

Speaker, resident of southeast Huntington Beach, voiced his opinions on the proposed desalination plant. He stated concerns with beach pollution.

Chair of Huntington Beach Human Relations Task Force invited the public to a Diversity in Our Community meeting on May 26 from 6:30 – 8:30PM in the Council Chambers. Panel presentations will explore motivation for and ways to combat hate crimes, call 714-374-5307 for further information.

Speaker on behalf of the Bolsa Chica Land Trust stated that the item on the agenda regarding annexation of the Bolsa Chica is premature since the appeals process has not ended. He suggested changes to the language used in the Recommended Action.

Speaker stated concerns about potholes in City streets. Also stated opposition to increases in taxes to fund purchases of school sites or for Fire Department salary increases.

Speaker in opposition to proposed desalination plant refuted that the plant can bring revenue to the City. He announced HBDesalfacts.org for further information. Also stated opinion that agenda item H1a is premature.

President of Orange County League of California Voters voiced opinion that Bolsa Chica agenda item should have been noticed to Bolsa Chica Land Trust Board members. Asked Council to attend Land Trust Board Meeting to discuss plans.

Co-founder of Bolsa Chica Land Trust voiced opinion that agenda item H1a is premature, stating that deadline to purchase the lower bench was extended to December 2005. Urged Council to delay consideration.

Member of "Residents for Responsible Desalination" spoke in opposition to proposed desalination plant citing pollution concerns. Urged Council to visit PoseidonResources.org and HBDesalfacts.org. to learn more.

Speaker spoke in support of item E-11 thanking council for assistance. Also congratulated Police Department Baker to Vegas team.

President of Huntington Beach Tomorrow spoke in favor of item E-11 and the preservation of open space.

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

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

Councilmember Coerper announced meeting on May 20, 2005 on the 4th floor with "3/1" Committee and Councilmembers.

C-2. City Administrator's Reports

None

D - 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 Accept as Adequate and Complete the Downtown Parking Master Plan Annual Review and Monitoring Report and Forward to the California Coastal Commission (Documenting Building Activity and Land Use Changes from June 1, 2003 to June 1, 2004 in the Downtown Specific Plan Generally Bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) (440.30)

Public Hearing to consider:

Applicant: City of Huntington Beach Planning Department

Request: Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2003 and June 1, 2004

Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street)

Environmental Status: Notice is hereby given that this item is covered under Environmental Impact Report No. 82-2, approved in conjunction with the Downtown Specific Plan.

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, May 12, 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:

Planning Commission and Staff Recommendation: Motion to:

Accept as adequate and complete the June 1, 2003 to June 1, 2004 annual review and monitoring report of the Downtown Parking Master Plan and forward to the Executive Director of the California Coastal Commission.

Councilmember Bohr abstained and left room due to potential conflict of interest. Planning Director Howard Zelefsky introduced topic. Assistant Planner Ron Santos presented PowerPoint report. Open public hearing, one speaker, close public hearing. Approved 6 – 0 – 1 (Bohr abstained)

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 18, 2005 and Adjourned Regular Meetings of April 25, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Continued to June 6 meeting. 7-0

E-2. (City Council) Adopt Resolution Number 2005-35 Authorizing the Signatures of Shari L. Freidenrich, Dan T. Villella, Valaya Chitchakkol and James Slobojan for Execution of Financial Transactions in the Name of the City (Repeals Resolution Number 2000-103 and Any and All Others in Conflict) (630.50) – Adopt Resolution Number 2005-35 – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Manual and/or Facsimile Signatures of Shari L. Freidenrich, Dan T. Villella, Valaya Chitchakkol and James Slobojan” as persons authorized to execute financial transactions in the name of the City of Huntington Beach. Submitted by the City Treasurer. Funding Source: Not applicable.
Adopted 7 – 0

E-3. (City Council) Approve Mid Year Budget Adjustments for Fiscal Year 2004-2005 and Approve Transfer of \$5.368 Million from the General Fund to the Capital Improvement Project (CIP) Fund – Approve Transfer of Existing Professional Services Appropriations in the City Attorney’s Budget to Personnel Services for the Hiring of Two New Deputy City Attorneys (320.10) – 1. Approve the transfer of \$5.368 million from the General Fund undesignated fund balance to the CIP fund; and **2.** Approve the transfer of existing professional services appropriations in the City Attorney’s budget to Personnel Services for the hiring of 2 new Deputy City Attorneys. Submitted by the Finance Officer. Funding Source: (1) Transfer \$5.368 million from the General Fund undesignated fund balance; and (2) Transfer \$75,000 from the City Attorney’s professional services operating account to the salaries account.
Mayor Pro Tem Sullivan inquired regarding Redevelopment Agency transfer and Equipment Replacement transfer. City Administrator Culbreth-Graft clarified.
Approved 7 – 0

E-4. (City Council) Approve Professional Services Contract between the City of Huntington Beach and EIP Associates for Professional Planning Services to Prepare an Environmental Impact Report (EIR) for a Proposed 204-Unit Multi-Family Residential Project at 21471 Newland Street (South of Lomond Drive, North of the Terminus of Hamilton Avenue) (600.10) – 1. Approve the *Professional Services Contract Between the City of Huntington Beach and EIP Associates for Professional Planning Services to Prepare an Environmental Impact Report for the Newland Street Residential Project* in the amount of Two Hundred Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars (\$273,793.00), as prepared by the City Attorney, and authorize the Mayor and City Clerk to sign; and **2.** Appropriate funds in the amount of Two Hundred Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars (\$273,793.00) for the Professional Services contract between the City and EIP Associates, for which the developer will fully reimburse the City. Submitted by the Planning Director. Funding Source: The funding source will be an initial deposit of Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars (\$73,793.00) placed with the City by WL Direct Huntington Beach, LLC, the project proponent, the remaining Two Hundred Thousand Dollars (\$200,000.00) is to be paid in subsequent quarterly payments by the project proponent, as billed by the City, until completion of the project. Thus, there will be no fiscal impact. **(See Agenda Item E-5 to follow.)**
Approved 7 – 0

E-5. (City Council) Approve Reimbursement Agreement between the City and Project Applicant, WL Direct Huntington Beach, LLC for Costs Incurred for Professional Planning Services in Connection with a Proposed, 204-Unit Multi-Family Residential Project at 21471 Newland Street (South of Lomond Drive, North of the Terminus of Hamilton Avenue) (600.10) Approve the *Reimbursement Agreement Between the City of Huntington*

Beach and WL Direct Huntington Beach, LLC for Costs Incurred for Professional Services and authorize the Mayor and City Clerk to sign. Submitted by the Planning Director. Funding Source: The proposed Reimbursement Agreement between the City and WL Direct Huntington Beach, LLC requires the developer to defray the costs of professional planning services by making an initial deposit of Seventy-Three Thousand, Seven Hundred Ninety-Three Dollars (\$73,793.00) with the City. The remaining Two Hundred Thousand Dollars (\$200,000.00) is to be paid in quarterly payments by the developer until completion of the project.

Approved 7 – 0

E-6. (City Council/Redevelopment Agency) Approve Revised Affordable Housing Agreement between the City and Mainstreet Townhomes LLC (located Southwest corner of Main and Holly Streets) (600.30) – Approve the *Revised and Restated Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* by and between the City of Huntington Beach City Council/Redevelopment Agency and Mainstreet Townhomes LLC, and authorize the Mayor/Agency Chair, Executive Director and City Clerk to sign and execute (Attachment No. 1). Submitted by the Planning Director. Funding Source: Not applicable.

Mayor Pro Tem Sullivan inquired about revisions and applicability to Holly-Seacliff. Planning Director Zelefsky reported.

Approved 7 – 0

E-7. (City Council) Approve the Project Plans and Specifications and Award Construction Contract to Sancon Technologies, Inc. for the Fiscal Year 2004/2005 Sewer Rehabilitation Project; CC-1270 (Located within Reporting Districts 442, 453 and 463 in the Southeast Area) (600.60) – 1. Approve the project plans and specifications; and 2. Accept the lowest responsive and responsible bid submitted by Sancon Technologies, Inc. in the amount of \$1,272,887.20 for the 2004/05 Sewer Rehabilitation Project; CC-1270; and 3. Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Acting Public Works Director. Funding Source: Funds for this project are budgeted through the Sewer Service Fund, Sewer Line CIP (Capital Improvement Project) Account No. 51189002.82600. The Engineer's cost estimate was \$1,500,000.

Approved 7 – 0

E-8. (City Council) Adopt Resolution Number 2005-37 Requesting the Orange County Transportation Authority (OCTA) to Allocate from the Combined Transportation Funding Program (CTFP) for the Beach Boulevard Widening at Edinger Avenue Project; CC-1105 (Southeast Corner) (800.45) – Adopt Resolution Number 2005-37 – “A Resolution of the City Council of the City of Huntington Beach Requesting the Orange County Transportation Authority to Allocate Combined Transportation Program Funds for Beach Boulevard Widening at Edinger Avenue.” Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$500,000 have been budgeted in the Orange County Transportation Authority (OCTA) Grant Fund, Beach/Edinger Improvements, Street Improvements Account No. 87390003.82300. This amount includes up to \$452,519 in reimbursable CTFP grant funds.

Adopted 7 – 0

E-9. (City Council) Adopt Restated and Revised Resolution Number 2005-3 Approving Street Name Change from Alcalá Circle to Veleta Circle (New Housing Tract 15549 off Pacific View Drive, in Front of the Waterfront Hilton and Hyatt Regency Hotels, Grid 462) (800.70) – Adopt Resolution No. 2005-3 – “Restated and Revised Resolution of the City Council of the City of Huntington Beach Providing for the Change of the Street Name of Alcalá Circle to Veleta Circle.” Submitted by the Police Chief. Funding Source: Any costs associated with changing the street sign can be absorbed in the existing fiscal year 2004-2005 Police Department budget. The identified cost is related to changing the one street sign and is estimated to be \$26.00. (Revises Resolution Number 2005-3 approved 1/3/05.)
Adopted 7 – 0

E-10. (City Council) Approve Amendment Number 1 to the Professional Services Contract between the City and Willdan to Authorize New Expenditure Required by Verizon Inc. for Fiber-To-The-Premises (FTTP) Project Management and Inspection Services and Authorize the Appropriation of Funds (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Professional Services Contract between the City of Huntington Beach and Willdan for Development Processing Services*; and **2.** Appropriate \$800,000 from the General Fund to fund the services; and **3.** Authorize the expenditure of an additional \$800,000 for professional services from Business Unit 10085251. Submitted by the Acting Public Works Director. Funding Source: Appropriate \$800,000 from the General Fund undesignated balance to Public Works, Development Services. Professional Services Account 10085251.69365. Revenues received from Verizon will offset the expenditures.
Approved 7 – 0

E-11. (City Council) Adopt Resolution Number 2005-38 Relating to the Inadequacy of Public Lands in the Vicinity of the Wardlow and Lamb School Sites to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes (Wardlow School is located at 9191 Pioneer Drive; Lamb School is at 10251 Yorktown Avenue) (650.10) – Adopt Resolution Number 2005-38 – “A Resolution of the City Council of the City of Huntington Beach Relating to the Inadequacy of Public Lands in the Vicinity of Wardlow Elementary School and Lamb Elementary School to Meet the Existing and Foreseeable Needs of the Community for Playground, Playing Field, and Other Outdoor Recreational and Open-Space Purposes” which informs the Fountain Valley School District of the city’s intention under the Naylor Act to negotiate in good faith with the district to acquire all or part of Wardlow School and/or Lamb School for public open-space purposes. Submitted by the Community Services Director and Planning Director. Funding Source: Not applicable; only requesting permission to negotiate at this time.
Councilmember Bohr highlighted item for citizens.
Adopted 7 – 0

Per Education Code §17492 Must be Approved by Two Third’s Vote or Five Members of Council

E-12. (City Council) Adopt Resolution Number 2005-36 Approving the Fiscal Year 2005-2006 Refuse Rate Increase and Accept Additional Downtown Collection Donated by Rainbow Disposal for July 1 through December 31, 2005 (810.40) – 1. Adopt **Resolution Number 2005-36 – “A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates;”** and **2.** Accept Rainbow’s offer to donate one additional trash collection from the downtown sidewalk containers on each Friday,

Saturday, and Sunday as normally scheduled between July and December of 2005. Submitted by the Acting Public Works Director. Funding Source: A rate increase of \$0.53 per residential unit per month will be implemented and paid to Rainbow. There is no impact to the Refuse Fund as the full amount of the increase is paid to Rainbow.

Mayor Pro Tem Sullivan announced methods to calculate refuse collection rates and commended Rainbow Disposal for its fairness. Also inquired about recycling of newspapers.

Adopted 7 – 0

F. Administrative Items

F-1. (City Council) Approve City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

Communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position on legislation pending before the Federal, State or Regional Governments as recommend by the City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the City of Huntington Beach's position to the elected members of the State or Federal Legislators, Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.

Recommended Action: Motion to:

1. **OPPOSE** proposed "safe harbor" language in the Federal Energy Bill that would exempt fuel manufacturers from responsibility and liability for MTBE (methyl tertiary butyl ether) and Ethanol contamination of groundwater;

and

2. **CONTINUE SUPPORT AND SPONSORSHIP – AB14 (Harman) Condo Conversions –** as Amended on April 25, 2005;

and

3. **OPPOSE – SB 926 (McCarthy) Sewer Sludge** as Amended on 4/21/05.

Mayor Hardy gave an update on item #3, stating that the bill had been amended as noted in her Late Communication. Mayor Pro Tem Sullivan spoke regarding item #1, suggesting delaying action on this item.

Approved 7 – 0 (Sullivan No on Item 1)

G. Ordinances

G-1. Ordinance for Adoption

G-1a. (City Council) Adopt Ordinance Number 3712 Amending Huntington Beach Zoning and Subdivision Ordinance Chapter 241 Relating to Conditional and Temporary Use Permits, Variances, and Waiver of Development Standards (450.20) - Ordinance Number 3712 – "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.” (Approved for introduction as amended on May 2, 2005.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance Number 3712**, by roll call vote.

Adopted 7 – 0

G-2. Ordinances for Introduction

G-2a. (City Council) Approve for Introduction Ordinance Number 3714 Repealing the Local Gift Ban Ordinance and Alleviating Dual Standards Between the State and City Regarding the Huntington Beach Municipal Code Chapter 2.05 Relating to Gifts to Public Officials (120.10) - Ordinance Number 3714 – “An Ordinance of the City of Huntington Beach Repealing Chapter 2.05 of the Huntington Beach Municipal Code Relating to Gifts to Public Officials.”

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance Number 3714**, by roll call vote.

Mayor Hardy abstained and left the room.

Approved 6 – 0 – 1 (Hardy abstain)

G-2b. (City Council) Approve for Introduction Ordinance Number 3715 Amending Huntington Beach Municipal Code Chapter 13.48 Relating to Animals in the Park Pursuant to the Terms of the Agreement between the City and Southern California Edison (SCE) (500.10) - Ordinance Number 3715 – “An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park.”

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3715**, by roll call vote.

Approved 6 – 1 (Bohr No)

H. City Council/Redevelopment Agency Items

H-1a Submitted by Councilmember Cathy Green and Councilmember Keith Bohr

→ **(City Council) Consider the Annexation of the Unincorporated County Island Known as Bolsa Chica – Direct Staff to Prepare a Report Regarding Annexation (120.90)**

Communication from Councilmember Cathy Green and Councilmember Keith Bohr transmitting the following **Statement of Issue:** On April 14, 2005, the California Coastal Commission determined that a proposal by Hearthside Homes to build 349 homes (Brightwater) in the unincorporated County Island known as Bolsa Chica was consistent with the Coastal Act. In the previous year, Hearthside Homes received approvals from the County of Orange for a tentative tract map and site development plan. These approvals are equivalent to the conditional use permit requirements of the city of Huntington Beach. Except for revisions, which may be necessary to comply with the Coastal Commission conditions of approval, Hearthside Homes has approved site plans, floor plans, and elevations for their project.

Since the Bolsa Chica is within the city’s sphere of influence and a project has been approved, which is consistent with the Coastal Act, the city may wish to consider the pros and cons of annexing this County Island.

Recommended Action:

Direct staff to prepare a report that would provide the following:

1. Fiscal analysis of annexation that provides the cost/benefit to the city of annexation prior to development versus annexation after development is complete.
2. An overview of the process and procedures required by the Local Agency Formation Commission (LAFCO) and the role the city would play in that process.
3. The effect annexation would have on city services and the policies that would guide the decision making process.
4. A legal analysis of the issues related to the Public Utilities Commission decision to permit Southern California Water Company to provide water to the Bolsa Chica and its implication for annexation.

Councilmember Green reported, stating reasons for bringing item forward including the length of time required to pursue annexation. Clarified that she was interested in a study. Councilmember Bohr also spoke regarding changes since last annexation study in 1999. Council discussion ensued relative to funding mechanism, staff requirements, final disposition of property, time line for project approval, and impact on Fire and Police departments. Councilmembers stated reasons for support or opposition to recommended action. City administrator to inquire of Hearthside Homes regarding annexation. Approved 5 – 2 (Hardy, Cook No)

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.

Mayor Hardy thanked participants in the "Every 15 Minutes" program.

Council/Agency Adjournment at 8:27PM to Monday, June 6, 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>**