

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, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, 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 (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

MONDAY APRIL 5, 2004

**4:00 P.M - Public Comments &
Study Session – Room B-8
Approx. 4:30 P.M. – Recess to
Closed Session**

7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**4:00 P.M. – 5:00 P.M. - Room B-8 for Special/Adjourned Regular Meeting – 5:00 P.M.
Regular Meeting Commences**

On March 25, 2004 the City Council adjourned to 4:30 P.M. Subsequently, the need arose to meet at 4:00 P.M. The appropriate legal notices have been posted and distributed by the City Clerk's Office in order for Council to convene at 4:00 P.M. (see *Call for Special Meeting Notice* at the end of this agenda.)

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
Present (Sullivan arrived 4:03 p.m.; Hardy arrived 4:05 p.m.; Houchen absent)

**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.)

None

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.surfcity-hb.org>

Public Comments on Study Session and Closed Session Agenda Items)

None

(City Council Study Session – Presentation by Dr. Richard P. Meyer, Assistant Manager of the Orange County Vector Control District Re: the West Nile Virus (520.85)

Doctor Richard P. Meyer, Assistant Manager of Orange County Vector Control District, will make a presentation regarding the West Nile Virus. **(Refer to Agenda Item C-1a at the 7:00 p.m. portion of the meeting regarding a video report to be presented.)**

****PowerPoint presentation submitted by the Orange County Vector Control titled *Orange County and West Nile Virus – Cities Will Play a Pivotal Role* is included in the agenda packet. Dr. Richard Meyer presented the PowerPoint presentation. Dr. Meyer described symptoms as flu like and can lead to delirium.**

PowerPoint slide (page 2) – State Health CDC (Center for Disease Control), the Orange County Vector Control and Orange County Health Department were mentioned and are listed on Page 3 (included in the agenda packet).

Inquiries on reporting discussed, which Dr. Meyer stated are handled as anonymous calls to Vector Control at 714-971-2421 if “green pools” (standing pools of water) are noticed on private residences. Dr. Meyer informed Council service is provided free of charge.

Jim Jones, Public Works Maintenance Operations Manager reported in response to Council inquiry, that City provides vector control services and that a technician team is dedicated to checking the wetlands.

Call Closed Session of City Council/Redevelopment Agency - Approx. 4:30 P.M.

Recommended Action: Motion to **recess** to Closed Session on the following items:
Approved 6-0-1 (Houchen absent)

OR

Recommended Action: Motion to **convene** after 4:00 P.M. to 5:00 P.M. Special/Adjourned Regular Meeting to Closed Session on the following items:

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Acting City Administrator.** (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its City 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. Subject: **City of Huntington Beach v. HBPOA (Gun Range), and related cases.** (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is ***Charles Nowotny v. Johnson, City of Huntington Beach, et al.***; U.S. District Court Case No. CV 99-13098-FMC (consolidated with Case No. CV 01-9842. Subject: **Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach**, Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 (Opp I) and **Opp v. City of Huntington Beach, et al; al.**; Orange County Superior Court Case No. 748927, Court of Appeals Case No. G030601 (Opp II). Subject: **Opp v. City of Huntington Beach, et al. (Opp 1 and Opp 2).** (120.80)
5. **City Council Closed Session** - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: 1 to 200. (120.80)
6. **(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Praise Christian Center v. City of Huntington Beach, et al.**; United States District Court Case No. SACV03-1504 GLT. Subject: **Praise Christian Center v. City of Huntington Beach, et al.** (120.80)
7. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Seven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & 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).

7:00 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 from the City Attorney.

Announcement made by Mayor Green that Assistant City Administrator William Workman has been appointed Acting City Administrator

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
Present

Pledge of Allegiance/Flag Salute – to be led by Mayor Cathy Green.

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 – by Paula Swavely

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

(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.)

C-1b, C2, D-1, D-2, D-3, E-3, F-1

Presentation - Mayor Cathy Green and Planning Director Howard Zelefsky to present commendations to Charlotte Mason and Forest Harrell for their 20 years of volunteer service on the NESI/Ascon Adhoc Committee. (160.40)

Presentation - Mayor Cathy Green to present a proclamation to Jean Nagy and Elaine Craft – representatives of the Huntington Beach Women’s Division of the Chamber of Commerce and the Huntington Beach Tree Society - in honor of National Arbor Day, April 26, 2004. (160.40)

Presentation - The Huntington Beach/Fountain Valley Realtors of Orange County will present a check for \$5,000 to Mayor Cathy Green and Community Services Director Jim Engle for Project Self-Sufficiency scholarships. (160.40)

Presentation - Community Services Chair Nick Tomaino will present an award from the California Parks and Recreation Society to Mayor Cathy Green and Community Services Director Jim Engle for being a statewide winner for park design for the Huntington Beach Sports Complex. (160.40)
Community Services Director Jim Engle announced the grand opening of the Sports Complex on April 24, 2004.

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.

**3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.**

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

PUBLIC COMMENTS:

Speaker, Minister of Church of Religious Science informed Council of the meaning of the Peace Pole as bringing the community together in peace. She stated 2,000 such poles exist.

Speakers concurred with the first speaker on the symbolic meaning of the Peace Pole and not as a source of upset and not to display the Church's name.

Speaker in opposition of proposed peace pole stating no reminder is needed for wanting peace.

Speaker in opposition to Agenda Item H-2a on behalf of mother who he states is affected by the proposed zoning from residential to commercial or industrial on Nichols Street. He stated the land would be made unmarketable.

Speaker brought paint balls found subsequent to the Paint Ball Contest held on the beach. He spoke regarding what he considers to be marketing that has adverse impact; inviting Council to attend an event to show how the war in Iraq is glamorized.

Speaker in support of the Peace Pole, but in opposition to the proposed desalination plant and the City's agreement with the Coca Cola Company.

Speaker spoke regarding opposition to the McDonnell Douglas site of the Boeing Company due to dust pollution factors. Speaker urged shut down for compliance.

Speaker in opposition to proposed traffic enforcement on the Peninsula, Agenda Item D-1 Public Hearing, due to children's safety.

(Assistant City Clerk Liz Ehring announced that last speaker needs to speak again at the Public Hearing if he wishes his comments to be recorded as pertaining to D-1.)

Speaker spoke in opposition to City permit process required for home improvement.

Speaker spoke in gratitude of the Project Self-Sufficiency Outreach Program and how it has assisted her in many aspects of her life.

Speaker voiced a parking citation problem due to the sweepers on his tract. Spoke regarding the Parking Citation Request for a Hearing process, which he stated is not a convenient forum for him.

(Councilmember Boardman stated speaker can turn in a blue card for contact. She inquired of the Public Works Director of the process who reported on the issue.)

Speaker spoke regarding the new voting machine and requested of Council to find means for a paper trail, which he stated will ensure an accurate vote count.

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Presentation of a Video Report on the West Nile Virus by Dr. Peter Green, City Liaison to Orange County Vector Control (520.85)**

Dr. Peter Green, Chair, Orange County Vector Control will present a video in reference to the 4:00 p.m. Study Session portion of the Special Meeting.

Video report presented.

Mayor Green announced two birds in Orange County and one in Los Angeles County are affected. She stated to avoid standing pools of water and provided Vector Control number 714-971-2421.

C-1b. (City Council) Determine Acceptance of the Donation by the Church of Religious Science of a Peace Pole – Approve Installation Site if Accepted (100.10)

Communication from Councilmembers Dave Sullivan and Gil Coerper transmitting the following **Statement of Issue**: On May 19, 2003, the City Council directed staff to present to the Library Board the installation of a Peace Pole, donated by the Church of Religious Science, at the Central Library and forward the Library Board's recommendation to the City Council for their consideration. The Library Board discussed the installation and voted on a recommendation to the City Council. The majority of the Library Board recommended against the pole's installation at the Central Library (3 against, 2 for, 2 abstain). Pursuant to the City Council's May 19, 2003, directive, the issue is being submitted for the City Council's consideration.

(Attached to this memo is the decision from the Library Board.)

Councilmember Sullivan reported.

Councilmember Cook spoke in opposition due to issue of constitutionality.

City Attorney Jennifer McGrath, City Administrator Ray Silver and Community Services Director Jim Engle reported.

City Council should consider and vote on the following issues:

Recommended Action:

1. Should the City Council accept or reject the Peace Pole donation by the Church of Religious Science?

1) accept the Peace Pole and (2) the placement will be determined and return on 4/19/04

Approved as amended 6-1 (Cook – No)

Substitute motion (for #2 above) to place the accepted peace pole adjacent to the flags and the fountains at the City Hall courtyard.

Approved 7-0

2. ~~If accepted, should the pole be installed at the Central Library?~~

3. ~~If accepted and not installed at the Central Library, should it be installed elsewhere such as City Hall (adjacent to the Veterans Memorials), Pier, Sports Complex, a privately owned location (i.e., HB Mall/Bella Terra) or other locations?~~

C-2. **(City Administrator's Report) Overview of the Ascon Landfill Oil Well Rupture on March 17, 2004 (Krik 80 Oil Well Located Near Magnolia Street and Banning Avenue)** (810.20)

A brief overview of the oil well rupture incident that occurred on March 17, 2004, at the Krik 80 oil well located near the Magnolia/Hamilton/Banning area. The oil spray impacted 360 homes in surrounding neighborhoods.

Fire Chief Duane Olson orally reported on the notification of many agencies in addition to appropriate city departments and is investigating the responsible party in conjunction with the Environmental Protection Agency. Chief Olson stated cleanup is in the process, and that a toxicology report is to be expected.

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 Consider Adoption of Resolution No. 2004-18 Enabling the City's Police Department to Enforce California Vehicle Code Provisions on Private Streets within The Peninsula at Huntington Seacliff Residential Community (Located in the Vicinity of Summit Drive and Peninsula Lane) (580.40)

Communication from the Police Chief and the Public Works Director.

Public hearing for the purpose of considering adoption of a resolution to enable the City's Police Department to enforce California Vehicle Code Provisions on the private streets within the gated community of the Peninsula at Huntington Seacliff residential community, which is located in the vicinity of Summit Drive and Peninsula Lane.

A complete report detailing this matter is available for review by the public at City Hall, 2000 Main Street, in the City Clerk's Office between the hours of 8:00 a.m. and 5:00 p.m., starting Thursday, April 1, 2004. Interested persons may also contact the Public Works Department, Transportation Division, at 2000 Main Street, Huntington Beach, 92648 to receive additional information.

All citizens are invited to attend the public hearing and provide the City Council with written and oral comments and ask questions concerning the proposed resolution to enable enforcement of California Vehicle Code provisions on private streets in the Peninsula at Huntington Seacliff residential community. Written communications to the City Council may also be mailed to the City Clerk.

The City of Huntington Beach endeavors to accommodate persons of disabled status in the admission or access to, or treatment or employment in City programs or activities. The City of Huntington Beach is an equal opportunity employer.

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

**Two communications included in the agenda packet were submitted by: 1.) Eric and Linda Rumley titled *Re: Enforcement of California Vehicle Code Provisions on Private Streets in the Peninsula at Huntington Seacliff Residential Community* and dated March 29, 2004, requesting deferment of Public Hearing; and 2.) Thomas A. Hohman titled *Resolution for Enforcement of California Vehicle Code Provision on Private Streets in The Peninsula Seacliff Residential Community* and dated March 30, 2004 in support of proposed Resolution.

(Continued on the Next Page)

Recommended Action: Motion to:

Adopt **Resolution No. 2004-18** - "A Resolution of the City of Huntington Beach Authorizing the Huntington Beach Police Department to Enforce California Vehicle Code Provisions on Private Streets in the Peninsula at Huntington Seacliff Residential Community."

Public Works Director presented the PowerPoint report prepared jointly with Police Chief Kenneth Small which had been announced earlier as a Late Communication.

Adopted 7-0

- D-2. **(City Council) Public Hearing to Consider Approval of (1) Local Coastal Program Amendment (LCPA) No. 01-01 – Adopt Resolution No. 2004-19 and Approve for Introduction Ordinance No. 3634; and (2) Zoning Text Amendment (ZTA) No. 01-05 (Amending Huntington Harbour Bay Club Specific Plan No. 4) and Requesting its Certification by the California Coastal Commission -- Located at 4121-4281 Warner n/s of Warner between Sceptre and Edgewater Lanes (Amended Specific Plan (Area B) Requires Affordable Housing Plan) (Applicant: Mike Adams) (420.85)**
Communication from the Planning Director.

Public Hearing to consider approval of Local Coastal Program Amendment No. 01-01/Zoning Text Amendment No. 01-05 (Huntington Harbour Bay Club Specific Plan Amendment).

Applicant: Mike Adams, Adams and Associates

Request: Local Coastal Program Amendment (LCPA): To amend the City's Local Coastal Program in accordance with the proposed ZTA and forward to the California Coastal Commission for final certification.

Zoning Text Amendment (ZTA): To amend Specific Plan No. 4 (Huntington Harbour Bay Club Specific Plan) by: **1)** Allowing residential use in Planning Area B; **2)** Adding development standards for the future residential development in Planning Area B; **3)** Reconfiguring Planning Areas A through D; and **4)** Updating the overall format of the Specific Plan.

Location: 4121-4281 Warner Avenue (North side of Warner Avenue, between Sceptre Lane and Edgewater Lane)

Environmental Status: Notice is hereby given that this Agenda item is covered by Mitigated Negative Declaration No. 01-06.

Appealable Jurisdiction of Coastal Zone: Notice is hereby given that this Agenda item is located in the appealable jurisdiction of the Coastal Zone and includes Local Coastal Program Amendment No. 01-01 filed on June 19, 2001, in conjunction with the above request. The LCPA will be forwarded to the California Coastal Commission if approved by the City Council.

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 1, 2004.

(Continued on the Next Page)

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 on hearing

**PowerPoint presentation titled *ZTA 01-05/LCPA 01-01 Huntington Harbour Bay Club Specific Plan Amendment* is included in the agenda packet.

Planning Director Howard Zelefsky orally reported

Assistant Planner Ricky Ramos presented PowerPoint report which was included in the agenda packet.

Applicant Mike Adams informed of his intent to meet the City's parking requirements and stated reasons for his exceptions to the City's adopted small lot development standards.

Dick Harlow, applicant reported on street parking in response to Council request.

Recommended Action: Motion to:

Planning Commission Recommendation: Motion to:

1. Approve Zoning Text Amendment No. 01-05 with modifications (Attachment No. 7) and Findings for Approval (Attachment No. 1) and approve for introduction **Ordinance No. 3634** – *“An Ordinance of the City of Huntington Beach Amending Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) by Reconfiguring Subareas A Through D, Allowing Residential Use in Subarea B, Adding Development Standards for Residential Use, and Updating the Overall Format of the Specific Plan (Zoning Text Amendment No. 01-05).”*

Amended with addition of 28 foot street

Motion Failed 3 Ayes (Sullivan, Hardy, Boardman, Cook – No)

and

2. Approve Local Coastal Program Amendment No. 01-01 with Findings for Approval (Attachment No. 1) and adopt **Resolution No. 2004-19** – *“A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 01-01 (Zoning Text Amendment No. 01-05) and Requesting its Certification by the California Coastal Commission.”*

OR

Staff Recommendation: Motion to:

1. Approve Zoning Text Amendment No. 01-05 with staff recommended modifications (Attachment No. 5) and with Findings for Approval (Attachment No. 1) and approve for introduction **Ordinance No. 3634** – *“An Ordinance of the City of Huntington Beach Amending Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) by Reconfiguring Subareas A Through D, Allowing Residential Use in Subarea B, Adding Development Standards for Residential Use, and Updating the Overall Format of the Specific Plan (Zoning Text Amendment No. 01-05).”*

Approved as amended to follow City's small lot standard for 28 ft. street and require maintenance of beach by Home Owners Association (HOA) until the

irrevocable agreement is accepted by a public agency and requiring former Barefoot Bar not be developed as a residential unit but be maintained as an amenity only.

Approved 4 Ayes (Coerper, Boardman, Cook – No)

and

2. Approve Local Coastal Program Amendment No. 01-01 with Findings for Approval (Attachment No. 1) and adopt **Resolution No. 2004-19** – “A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 01-01 (Zoning Text Amendment No. 01-05) and Requesting its Certification by the California Coastal Commission.”

- D-3. (City Council) Public Hearing to Consider Approval of Entitlement Plan Amendment No. 04-01 (Amendment to Conditional Use Permit No. 02-11 - Praise Christian Church Modifying Requirement in the Agreement for the Holly-Seacliff Area of Benefit Fee) – Located at 18851 Goldenwest Street (w/s of Goldenwest n/o Garfield Avenue) (Property Owner, Ronald Brindle)**
(420.40)

Communication from the City Attorney and the Planning Director.

Public hearing for the purpose of considering approval of Entitlement Plan Amendment No. 04-01 (Amendment to Conditional Use Permit No. 02-11 – Praise Christian Church).

Applicant: City of Huntington Beach

Request: Modification of Conditional Use Permit No. 02-11 for fees associated with the Holly-Seacliff Development Agreement.

Location: 18851 Goldenwest Street (west side of Goldenwest Street, north of Garfield 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 1, 2004.

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

(Continued on the Next Page)

Recommended Action: Motion to:

Approve Entitlement Plan Amendment No. 04-01 (Amendment to Conditional Use Permit No. 02-11/Praise Christian Church) modifying the requirement for payment of a Holly-Seacliff Area of Benefit Fee.

Councilmember Cook recused herself due to residing within proximity of the subject property.

Approved 6-0-1 (Cook abstain)

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 March 15, 2004 and Adjourned City Council and Special City Council/Redevelopment Agency Meetings of March 25, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and Adopted 7-0
- E-2. (City Council) Adopt Resolution No. 2004-17 Reciting the Facts of the Special Municipal Election and Declaring Results – March 2, 2004** (620.30) – Adopt **Resolution No. 2004-17** – “A Resolution of the City Council of the City of Huntington Beach, California, Reciting the Facts of the Municipal Election Held on March 2, 2004 Consolidated with the County of Orange Declaring the Results and Such Other Matters as Provided by Law.” Submitted by the City Clerk. Funding Source: Election Program Account. The March 2, 2004 Election showed a **43.8%** overall turnout. The total number of registered voters was **116,391**. Results: Measure E – City Council by District – Yes: **17,876** – No: **30,691**.)
Adopted 7-0
- E-3. (City Council) Authorize Additional Allocation into the Fourth of July Fund for the Fourth of July Fireworks on the Beach Display (to be Reimbursed by Sponsorships, VIP Admission and Parking Revenue) – Approve a Parking Surcharge for July 4, 2004 – Approve Closure of Pier at 5:00 P.M. for VIP Event** (960.30) – **1.** Authorize an additional allocation of \$111,436 from the General Fund Unappropriated Fund Balance into the Fourth of July Fund with expenditures as follows: \$49,524 into Overtime Account; \$61,912 into Contractual Services Account; General Fund to be reimbursed by sponsorships, VIP admission, and parking revenue; and **2.** Approve a \$5 surcharge to the daily parking fee for South Beach and a \$3 surcharge to the daily parking fee for Pier Plaza parking lots on the beach on July 4, 2004 with additional revenue generated to help offset the extra costs of the fireworks event. These public parking lots will have a daily parking fee of \$15; and **3.** Approve closure of the Pier at 5:00 P.M., and the use of the Pier for a ticketed VIP event to be held from 5:00 P.M. until the conclusion of the fireworks. Submitted by the Community Services Director. Funding Source: General unappropriated fund in the amount of \$111,436 to be reimbursed by the 4th of July Executive Board through sponsorships, VIP admission, and additional fireworks-related beach parking revenue.
Councilmember Sullivan inquired re Coastal Commission issue for closure. Fourth of July Board Chair Pat Stier reported. Police Chief Small reported. Approved as amended by Late Communication revising recommended action on staff report
6-1 (Sullivan – No)

- E-4. **(City Council) Approve the Master Plan for Renovation of the Shipley Nature Center Prepared by Tatsumi and Stivers, LLA** (920.60) – Approve the Master Plan for renovation of the Shipley Nature Center as prepared by Tatsumi and Stivers, LLA. Submitted by the Community Services Director. Funding Source: Council previously approved funding for preparation of the Master Plan. FSNC is seeking funding for improvements identified in the Master Plan.
Councilmember Coerper requested clarification of the process of Master Plan Approved 7-0
- E-5. **(City Council) Approve Appropriation Revision within the Building and Safety Department's 2003-2004 Budget to Maintain Established Levels by Expanding the Counter Plan Review Services (for Health and Safety)** (320.10) – Approve the transfer of \$75,000 from Permanent Salaries account to Professional Services Operating Account. Submitted by the Building and Safety Director. Funding Source: Transfer \$75,000 from Fiscal Year 2003-2004 budgeted Permanent Salaries Account to Professional Services Operating Account within the Department of Building and Safety.
Building and Safety Director Ross Cranmer clarified reason for bringing item forward per Councilmember Coerper's inquiry. Approved 7-0
- E-6. **(City Council) Approve a Joint Powers Reimbursement Agreement with the West Orange County Water Board (WOCWB) for the City to Bid and Manage the Relocation of Vault Facilities for the Transportation of Water from the Municipal Water District of Orange County (Located at the Intersection of Newland Street and Edinger Avenue – Feeder No. 1)** (600.40) – Approve and authorize the Mayor and City Clerk to execute the *Agreement Between the West Orange County Water Board and the City of Huntington Beach for Relocation of Vault Facilities*. Submitted by the Public Works Director. Funding Source: Initial payment will be made from Water Master Plan Account. The West Orange County Water Board will then be invoiced for their portion of the work, including inspection and salaries.
Approved 7-0
- E-7. **(City Council) Accept the Public Works Department's 2003-2004 Budget Recommendations for the Fair Share Traffic Impact Fee Program Annual Report and Support the Planned Program Expenditures (Reviewed and Approved by the Public Works Commission)** (340.20) – Accept the 2003-2004 Traffic Impact Fee Annual Report titled *Traffic Impact Fee Program Fiscal Activity Summary 9/30/00 to Present* and support the planned *Traffic Impact Fee Program Capital Project/Expenditure Plan*. Submitted by the Public Works Director. Funding Source: Report recommendations will be used in reviewing the City's 2004-2005 budget for street improvements, special studies and staff expenditures related to administration and completing the program. Ultimate funding of efforts or portions of efforts will be through the Traffic Impact Fee Fund. (The *Request for Council Action* sets forth that the Public Works Commission reviewed this report on March 17, 2004 and unanimously approved the recommended action.)
Approved 7-0

- E-8. **(City Council) Accept the Annual Sanitary Sewer Facilities Fund Compliance Report for Fiscal Year 2002-2003 (Reviewed and Approved by the Public Works Commission)** (1020.70) Accept the Annual Sanitary Sewer Facilities Fund Compliance Report for Fiscal Year 2002-2003 titled *Sanitary Sewer Facilities Fund (210)*. Submitted by the Public Works Director. Funding Source: No funding is required for this action. Revenues to the Sanitary Sewer Fund (210) are developer fees and interest allocations. Expenditures are per the approved Fiscal Year 2002-2003 budget. (The *Request for Council Action* sets forth that the report was reviewed and unanimously recommended on March 17, 2004 by the Public Works Commission.)
Approved 7-0
- E-9. **(City Council) Approve Acceptance of Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for Physical Fitness Equipment** (340.70) Approve and authorize City staff to accept the FEMA Assistance to Firefighters Grant award and expend matching funds. Submitted by the Fire Chief. Funding Source: The FEMA grant amount is \$24,500 and requires a matching amount of \$10,500. Funding for the matching amount is available in Fire Suppression Equipment and Supplies accounts. (The staff report sets forth that FEMA will provide 70% (\$24,500) of the total purchase price and the City will provide 30% (\$10,500.)
Approved 7-0
- E-10. **(City Council) Approve Two Agreements between the City and (1) Jones Hall for Bond Counsel Services and (2) Quint & Thimmig, LLP, Attorneys at Law for Disclosure Counsel Services Re: Property Tax Override Refund Claims Pursuant to Howard Jarvis Taxpayers v. City of Huntington Beach** (600.10) – Authorize the Mayor and City Clerk to execute the (1.) *Agreement Between the City of Huntington Beach and Jones Hall for Bond Counsel Regarding Property Tax Override Refunds Pursuant to Howard Jarvis Taxpayers v. City of Huntington Beach* and (2.) *Agreement between the City of Huntington Beach and Quint & Thimmig, LLP Attorneys at Law, for Disclosure Counsel Services Regarding Property Tax Override Refunds Pursuant to Howard Jarvis Taxpayers v. City of Huntington Beach*. Submitted by the City Attorney and the Administrative Services Director. Funding Source: Funding for Jones Hall bond counsel services (not-to-exceed \$70,000, inclusive of costs) and Quint & Thimmig's disclosure counsel services (\$25,000, inclusive of costs) will be included as part of the cost of issuing the bonds.
Approved 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 Pro Tem Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the State Legislature, a regional body or to be put on a ballot for approval by the voters?

Recommended Action: Motion to:

1. **SUPPORT – HR 3550 (Young)** a Federal Appropriation Bill to Reinstate Funding for the Transportation Equity Act for the 21st Century (TEA-21)
Approved 7-0
and
2. **SUPPORT AB 2442 (Harman) – Property Tax – State Assessed Property Taxes** (as introduced)
Approved as amended by Late Communication from the City Treasurer 7-0
and
3. **SUPPORT SB 1698 (Torlakson) Driving Under the Influence – Reimbursement for Emergency Response** (as Introduced)
Approved 7-0
and
4. **SUPPORT SB 1126 (McClintock) – Sales & Use Taxes – Exempting fire equipment from sales taxes** (as Introduced)
Approved 7-0
and
5. **OPPOSE Department of Industrial Relations Ruling on prevailing wages for certain volunteers on public works projects.**
Approved 7-0
and
6. **OPPOSE SB 1573 (Corbett) State Mandate Reimbursements** (as Introduced)
Approved 7-0
and
7. **SUPPORT Workers' Compensation Reform** and authorize the Mayor to send a letter to our legislators encouraging them to adopt reform measures
Approved 7-0
and
8. **SUPPORT - AB 496 (Correa) Santa Ana River Conservancy** (as amended 01/02/04)
Approved 7-0

(Continued on the Next Page)

and

9. **SUPPORT SCA 15 (McClintock) – Contracting Out** (as Introduced)
Approved 5-2 (Boardman, Cook – No)

and

10. **Discussion – Request by the Bolsa Chica Conservancy** for a letter to the California Coastal Conservancy in support of a grant application by the State Lands Commission for a grant of \$10 Million for restoration of the Bolsa Chica Wetlands
Approved 7-0

G. Ordinances

G-1. Ordinance for Adoption - None

G-2. Ordinances for Introduction

G-2a. (City Council) Approve for Introduction Ordinance No.3635 Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Undergrounding of Utilities for Provider, Verizon (640.10) – **Ordinance 3635** – “An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Underground Utilities.” (This ordinance will facilitate a citywide upgrade to a fiber-optic network by an existing utility provider (Verizon). Submitted by the Economic Development Director, Public Works Director, and the Planning Director.

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3635** by roll call vote.

Approved introduction

6-1 (Coerper – No)

H. City Council/Redevelopment Agency Items**H-1a. Submitted by Councilmember Debbie Cook****(City Council) Direct the Community Services Commission to Review the Policy for Naming of Parks and Other Community Facilities (Resolution No. 2001-64) - Receive Input from the Community and Develop New Recommendations** (100.10)

Communication from Councilmember Debbie Cook transmitting the following **Statement of Issue**: In Resolution 2001-64, the City Council adopted a policy for naming of City parks, park features and community facilities.

The policy calls for:

1. Parks adjacent to schools be named the same as the school.
2. If an entire park or a sizable portion of a park that is not adjacent to a school is donated by an individual or family, it shall be named after the donor.
3. If the park is neither adjacent to a school nor donated, all or in part, it shall be named after Huntington Beach Mayors who are no longer members of the City Council. Priority shall be given to those oldest who are still living.
4. That after all the Mayors names have been affixed to designated parks and additional parks are purchased by the City, parks shall be named after City Council Members who did not attain the office of Mayor. Priority shall be given to those oldest who are still living.
5. If enough parks do not exist to exhaust the list of names of past Huntington Beach Mayors, park features of Huntington Central Park and other community facilities such as lakes, structures (other than restrooms), groves of trees, walkways, playing fields, group camp and picnic sites, gardens, play equipment, meadows, amphitheaters, vistas, bridges, and wildlife refuges, shall be named after such Mayors to honor them for their service to the City. In addition, other individuals' names or other park names may be proposed. These names would be considered when their unique contributions have had a citywide impact, are marked by excellence, and are worthy of honor.

It concerns me that so much emphasis has been placed on naming such facilities after former Mayors and Council Members. It seems this neglects the many contributions made in other ways by our citizens to the City, the State, or our Nation. I am further troubled by the priority given to living Mayors over Mayors who may have contributed greatly but who are not living.

Because of these concerns, I would like to recommend the following:

Recommended Action:

That the City Council direct the Community Services Commission to review the policy for naming of parks and other community facilities, including receiving input from the community, and develop ~~new~~ recommendations for naming these facilities.

Approved as amended with bench-naming issue mentioned earlier and deletion of the word "new" in the motion.

Approved 6-1 (Green – No)

H-2a. Submitted by Councilmember Connie Boardman**(City Council) Direct Staff to Begin Modification of the General Plan Re: Vacant Land on Nichols Street to the Warner Avenue Intersection (Across from Rainbow Disposal Plant) to Change the Zoning from Residential to Commercial or Industrial** (450.10)

Communication from Councilmember Connie Boardman transmitting the following **Statement of Issue:** The vacant land on Nichols across from the Rainbow Disposal plant extending up to the intersection to Warner Ave currently has a zoning of residential. I believe this to be an inappropriate zoning for the site given its proximity to the Rainbow Disposal transfer station. If homes were ever built here, the residents would experience impacts from a large volume of truck traffic traveling down Nichols to Warner from very early in the morning throughout the day, as well as impacts from odors caused by the trash processing at the Rainbow site. Mitigation such as double-paned windows and air conditioning would not really, in my opinion, solve these problems, as many people like to have their windows open to enjoy the mild climate here in Huntington Beach.

Housing on this site would be simply incompatible with the use immediately across the street. Therefore, I would like the Council to start the process of changing the zoning on the site to commercial or industrial.

Recommended Action:

Council directs staff to begin the modification of the general plan and the process required to change the zoning on this site from residential to either commercial or industrial.

Councilmember Boardman stated intent is not to disadvantage any residents and stated that reasons for Council memo.

Discussion was held and Planning Director Zelefsky reported timelines would be about a year.

Motion Failed 2 Ayes (Sullivan, Coerper, Green, Hardy and Houchen – No)

H-3a. Submitted by Mayor Cathy Green**(City Council) Direct Staff to Design and Order Identification Badges for the Mayor and Councilmembers (Upon Approval by the Mayor, Mayor Pro Tem and Immediate Past Mayor)** (120.10)

Communication from Mayor Cathy Green transmitting the following **Statement of Issue:** Nationally, statewide, and locally there has been an increased emphasis on safety and security. This has resulted in an increased need for public officials to be able to properly identify themselves. Proper identification is often required for public officials to enter areas that are closed to the general public for safety reasons or to bypass security screenings that would result in lengthy delays in the public official entering a location.

Recently, some members of the City Council have experienced difficulties when relying on the city-issued identification card to identify herself or himself as a City Council Member. I discussed this matter with the Chief of Police and asked him to survey other cities to determine what types of identification are issued to Council Members. The Chief advised me that it is not uncommon for cities to issue badges as well as identification cards to City Council Members.

I know the issue of badges for Council Members has been somewhat controversial in the past. In my view, both times and people have changed; therefore, this issue should be revisited. The Chief has determined that the cost for seven badges is minimal, and a City

Council badge can be designed so that it does not resemble a police or fire department badge in any way.

Recommended Action:

That the Mayor, Mayor Pro Tem and Immediate Past Mayor approve a design and the Police Department order six City Council Member badges and one Mayor badge.

Mayor Green reported

Approved 6-1 (Cook – No)

H-4a. Submitted by Councilmember Dave Sullivan

(City Council) Withhold Payment of Dues to the Orange County Division of the League of California Cities (150.40)

Communication from Councilmember Dave Sullivan transmitting the following

Statement of Issue:

Recommended Action:

Huntington Beach joins the cities of Irvine, Anaheim, and Santa Ana and withhold our dues from the Orange County Division of the League of California Cities.

Councilmember Sullivan reported on those cities which have withheld dues, to which he added Garden Grove.

Motion Failed – 2 Ayes (Coerper, Hardy, Boardman, Cook and Houchen – No)

H-5a. Submitted by Councilmember Pam Houchen

(City Council) Direct Staff to Amend the Zoning Ordinance for Short Term Rentals of Property Under 10,000 Square Feet and Update the Current TOT (Transient Occupancy Tax) Ordinance by Providing a Procedure for Collecting TOT Similar to Other Cities (Newport Beach) (340.55)

Communication from Councilmember Pam Houchen transmitting the following **Statement of Issue:** The Huntington Beach Municipal Code 3.28.032 provides that upon occupancy of any hotel, a transient must pay a transient occupancy tax (TOT) as declared by Council. Based on the definition of a "hotel," the proposed use of a home as a short-term vacation rental would trigger this requirement. However, under the City's Zoning and Subdivision Ordinance (Z 50) Code, the short-term rentals are allowed only if the property is 10,000 square feet or greater.

As a practical matter, the ZSO permits the commercial use of Visitor Accommodations in a residential district only in very limited circumstances, which are set forth in ZSO Section 210.04. First, the property must be within a RMH-A sub district. Second, the lot must be 10,000 square feet or greater. Third, a conditional use permit must be obtained from the Planning Commission. Finally, ZSO Section 230.42 requires that the Planning Commission make specific findings relating to, *inter alia*, design and development standards, emergency access, and availability of utility service.

It is unlikely that any property in a residential district would actually meet these qualifications for Visitor Accommodations. This use would be permitted if the lot is 10,000 square feet or bigger and a conditional use permit were obtained from the Planning Commission following a public hearing and the adoption by the Planning Commission of the required findings.

Another consideration is that the ZSO regulates a home occupation in a residential district. A home occupation is defined as "business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site" (ZSO

203.06). Renting out of a home could be interpreted as a home occupation thus triggering the ZSO provision applicable to home occupations. For instance a home occupation permit would be required and the standards set forth in ZSO 230.12 would have to be satisfied as a condition of the home occupation.

Thus, although the City has the authority to collect TOT for rental of this home for less than 30 days, it is doubtful if any properties within the City satisfy the applicable land use controls and therefore such use would be prohibited by the ZSO. Any collection of TOT might be construed as tacit approval of a use of the property that is inconsistent with the City's ZSO.

The City Treasurer's Department currently collects TOT for the City. They have been contacted by both real estate agents and the Huntington Beach Conference and Visitor's Bureau regarding this issue, who have also been contacted by people wanting short-term rentals of property under 10,000 square feet in Huntington Beach.

Newport Beach allows for short-term rentals in their City. In 2001, their total TOT collected was \$8.1 million of which approximately \$689,000 was from their 500 short-term rentals. In 2002, their TOT collected was \$7.7 million of which \$1 million was from their short-term rentals. Although Huntington Beach does not have the housing situation that supports these rentals as much, it does appear that there is a demand for it and would generate much needed revenue for the City.

Therefore, I am recommending that the City Council take two actions:

Councilmember Houchen reported.

Planning Director Zelefsky reported on number of complaints for code enforcement on rentals.

City Treasurer Freidenrich reported this is similar to administrative process, stating research can be made available.

Recommended Action: Motion to:

- ~~1. Direct the City Administrator and the Director of Planning to bring back an amended zoning ordinance allowing such rentals;~~

and

- ~~2. Direct the City Treasurer to work with Planning, and the City Attorney to update the current TOT ordinance and provide a procedure for collecting TOT similar to other cities, such as Newport Beach.~~

Amended motion to direct the City Treasurer and the Planning Director to come back with additional information regarding the type of ordinance and permit process for the first meeting on May 2004.

Approved 5-2 (Boardman, Cook – No)

(The Police Chief was added after voting to which Council concurred)

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 Houchen congratulated Police Department for the apprehension of the person who murdered the woman at the 99 Cents Store.

Councilmember Coerper reported his son and new wife are safely returned from Iraq and enjoying their honeymoon.

Councilmember Sullivan announced Council on Aging's volunteer hours total are 44,403 and commended their work.

Mayor Pro Tem Hardy announced hearing from her students on the success of Youth in Government Day which she was unable to attend.

Mayor Green announced Easter Egg Hunt from 9-12 Noon by the Kiwanis on Saturday, April 10, 2004.

Council/Agency Adjournment to Monday, April 19, 2004, at 5:00 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.

**CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

Internet: <http://www.surfcity-hb.org>

CALL FOR CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING

CITY OF HUNTINGTON BEACH
MONDAY, APRIL 5, 2004

Cathy Green, Mayor
Jill Hardy, Mayor Pro-Tem
Dave Sullivan, Council Member
Gil Coerper; Council Member
Debbie Cook, Council Member
Pam Houchen, Council Member
Connie Boardman, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the **Lower Level, Room B-8 at the Civic Center, 2000 Main Street, Huntington Beach, CA 92648** at the hour of **4:00 p.m.** on **Monday, April 5, 2004** to allow for Public Comments and the following Study Session to be held:

(City Council) Study Session – Presentation by Drs. Peter Green and Richard Meyer, Assistant Manager of Orange County Vector Control Re: the West Nile Virus (520.85)
Doctor Peter Green, Chair, and Doctor Richard Meyer, Assistant Manager of Orange County Vector Control, will make a presentation regarding the West Nile Virus. **(Refer to Agenda Item C-1a regarding a video report to be presented by Dr. Peter Green at the 7:00 p.m. portion of the meeting.)**

***PowerPoint presentation titled Orange County and West Nile Virus – Cities Will Play a Pivotal Role is included in the agenda packet.*

Dated: March 31, 2004

ATTEST: City Clerk

Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:00 p.m. on Sunday, April 4, 2004.

Mayor