

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 JUNE 7, 2004

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
Present (Houchen arrived 5:05 p.m.)

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

Public Comments Regarding 5:00 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

Speaker on behalf of Community Services Program (CSP) Gang Prevention Division spoke regarding the services provided and distributed Late Communication titled HB Gang Prevention and Youth Program. Speaker urged Council to keep the program funded.

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

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

Speaker, a student at Ocean View High School, informed Council that she has joined the CSP program to gain confidence, with public speaking and to participate in Community events such as Oak View Pride Day. Speaker hopes the program will be around to help other youths.

Speaker spoke about friends who are involved in gang related activities and how he is kept from trouble by CSP.

Speaker spoke regarding a parking officer who gave a little girl a police badge and how he had left a positive impression on her.

Speaker on behalf of the HB Community Clinic spoke for funding recommendation for the benefit of citizens, who are also helped by Project Self-Sufficiency and Senior Center Program.

Speaker, the Community Services Director spoke on behalf of Project Self Sufficiency (PSS) urged Council to fully fund the Project Coordinator in order to keep program going. Speaker requested additional funding to meet the shortfall and for Council to approve staff recommendation.

Speaker, Police Chief spoke regarding the unique position of the Oak View Community, which he stated is plagued by crimes due to street gang activity. Speaker informed that the City is offering an alternative, to keep the Community Services Program (CSP) going.

Speaker, Director of Adult Day Services thanked Council for past years of support. Speaker spoke about services as critical for those who have no other options and informed of fund raising efforts of the Program that takes care of individuals inflicted with dementia.

(City Council) Study Session – Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council Re: Recommendations for Community Development Block Grant (CDBG) Allocations for Fiscal Year 2004-2005 (340.70)

Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council to review recommendations of the CPAB and Economic Development staff for Community Development Block Grant (CDBG) allocations for the upcoming 2004-2005 program year.

Roll Call – CPAB – Jerry Lipson, Chair; Patrick Burns; Diane Campbell; Jackie Canigiani; Linda Couey; Angie Dahman; Steve Garcia; James Hayden; Jim Moreno; Patricia Jacobs-Pilette; Michael Johnson; Michael Moncrief and Charles Tyler.

Present (Tyler absent)

****Communication titled *City of Huntington Beach – Community Development Block Grant Program* is included in the agenda packet.**

Economic Development Director David Biggs presented oral report stating CPAB will make final deliberations. Director Biggs stated reasons for the difference in funding recommendation between CPAB and staff. He introduced Senior Administrative Analyst Luann Brunson on his staff.

Chair Gerald Lipson presented oral report and commended Director Biggs and Ms. Brunson for all they do for CPAB. Public Works was mentioned as having to come forward with curb cuts. Mr. Lipson informed Council of how funding has been apportioned. He referred to the matrix titled City of Huntington Beach – Community Development Block Grant Program, which is included in the agenda packet.

Call Closed Session of City Council/Redevelopment Agency

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

1. **(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 **Mills Land & Water Company v. City of Huntington Beach, et al.**, Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 (“Mills I”). **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). Subject: **Mills Land & Water v. City of Huntington Beach.** (120.80)
2. **(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 **Marie Hansen v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 02CC11272. Subject: **Marie Hansen v. City of Huntington Beach, et al.** (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, 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 Steven 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)
4. **(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: one (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

Meeting dedicated to former President Ronald Reagan.

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

Oath of Office to City Clerk

Mayor Green will administer the Oath of Office to newly appointed City Clerk Joan L. Flynn.
Oath administered to City Clerk Joan L. Flynn

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 – by Deacon Matt Calabrese

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.)

City Clerk announced Study Session, agenda D-4a & b, E-7, F-1, F-2, F-3 & F-4

Presentation - Mayor Cathy Green to call on Municipal Employee Association Picnic Committee Chair Judy Demers to present a check for \$1,000 to Mary Ellen Ciancibella from the Huntington Beach Youth Shelter. (160.40)

Presentation - Mayor Cathy Green to call on Public Works Director Robert F. Beardsley and Municipal Water District of Orange County Director Joan Finnegan to present an award to Huntington Seacliff School Second Grader Wiselie Chang. Wiselie (to be joined by her teacher, Mrs. Dontori) designed a poster for the "Water is Life" Poster/Slogan Contest. Her poster will be featured in the 2004/05 "Water is Life" Calendar to be distributed to all Orange County Schools later this spring.

Motion made to move Agenda Item F-1 up after Public Comments

Motion died for a lack of a second.

Announcements by Mayor Green of 4 promotions in the Fire Department and the success of the Professional Volley Ball Tournament.

Also, that the Fire Department has received over \$46,000 which covers a majority of the costs incurred regarding the Ascon-Nesi oil rupture.

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 in support of Pacific City project as beautifying the City and as connecting the two new hotels.

Speaker in opposition to Pacific City Project for reasons of traffic congestion due to lack of a sidewalk and what he believes to be the need for street widening.

Speaker representing the Southeast HB Neighborhood Association spoke in opposition to the Pacific City Project.

Speaker spoke in opposition to agenda Item E-3 for reasons that he stated as a roadway in dispute and that a partial release of the tract would be prone to problems.

Speaker spoke in support of D-2, the proposed Streamlining Ordinance Public Hearing and in support of D-4a & b, the Pacific City Public Hearing. He also opposed the F-1 item as it is premature and that he is speaking on behalf of property owner, Robert Koury to oppose the proposed Main Street closure.

Speaker in opposition to proposed Main Street Closure, especially three blocks. Speaker stated that she is speaking on behalf of other merchants who suffered business losses when downtown was closed for one day.

Speaker in opposition to proposed Main Street Closure as altering foot traffic, which he stated, will adversely impact businesses in the Downtown.

Speaker in opposition to proposed closure of Main Street, stating that the downtown will lose 200 parking spaces, which would hurt business. Speaker requested that Council wait for the Strand project to be completed.

Speaker, President of the Downtown Merchants Association inquired regarding the purpose of closing down Main Street. Speaker named other cities which he stated has not closed down.

Speaker spoke against proposed Main Street closure, stating that there should be a meeting held with residents of the area first. Speaker stated that there should also be a traffic impact study conducted.

Speaker, owner of Longboard Restaurant expressed concern regarding F-1, the proposed Main Street closure. He cited problems relative to traffic and signage, stating that the project is premature.

Speaker, business owner on first block of Main Street, stated the proposed Promenade is a good idea but not with the loss of arterial streets downtown and the non-stop, congested pedestrian flow.

Speaker in opposition to the proposed Main Street closure, alleging violation of the Brown Act as he stated he received notification only 5 days ago and he lives in Oregon. Speaker informed Council that he would suffer business losses due to the project.

Speaker in opposition to F-1, stating that the funds be better expended on the Fire and Police Departments or on the infrastructure. Speaker also stated that the funds can help assist the downtown merchants instead.

Speaker concurred with previous speaker who previously addressed signage issue, and 2-lane entry recommendation.

Speaker, member of the MEA, spoke in opposition to being represented by the Teamster's Union and what she termed as "agency shop."

Speaker presented PowerPoint presentation as a Libertarian Party member in support of fireworks for the Fourth of July. Speaker requested Council to place an initiative on the November 2004 ballot in favor of a fireworks display in Huntington Beach.

Speaker recommended an area be designated as a pedestrian zone within the radius of Pacific City.

Speaker, member of the Golden State Mobile Home Owners League (GSMOL) informed Council that the Cabrillo Mobile Home Park is being considered for purchase by Mills Land and Water. Speaker stated that agenda Item E-7 should be denied for reasons of the Park would no longer be affordable housing.

Speaker informed Council that Joey Racano is representing residents of Cabrillo Mobile Home Park to preserve it as affordable housing and part of the "Little Shell" wetlands. The speaker spoke in opposition to Agenda Item E-7.

Speaker, Representative of Alzheimer's Disease Association spoke regarding the affliction from which President Reagan recently died. The Speaker distributed Late Communication.

Speaker, President of the Conference and Visitor's Bureau, spoke in favor of Pacific City.

Speaker requested that Council take note no one spoke in favor of Agenda Item F-1, the proposed Main Street closure.

Speaker rebutted the previous speaker and spoke in favor of F-1, the proposed Main Street closure but with the input of all Downtown merchants.

C-1. Council Committee/Council Liaison Reports

Councilmember Boardman announced "Moments in Time," a collaboration between the Art Center and Historic Resources Board to be held Saturday, June 26, 2004 from 7:00 to 9:00 pm at the Art Center.

Vocalist Sandy Graham will be playing, 27th of June at the Art Center as well.

The Environmental Board is inviting Awards – contact Ricky Ramos, Associate Planner at 714-536-5624.

C-2. City Administrator's Report

C-2a. (City Administrator's Report) Presentation by the Police Chief - Review the Operational Goals and Strategies for the July 4, 2004 Events; Parade, Craft Fair, and Fireworks Show (960.30)

A PowerPoint slide show titled July 4, 2004 is included in the agenda packet and will be presented regarding operational goals and strategies for the upcoming July 4, 2004 events to ensure a safe and enjoyable holiday.

Police Chief Kenneth Small presented.

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 Approve for Introduction Ordinance No. 3654 Granting an Oil Pipeline Franchise Agreement between the City and Pacific Terminals, LLC (per Resolution of Intention No. 2004-24 Adopted at the 5/3/04 Council Meeting) (600.45)

Communication from the Public Works Director and City Attorney.

Public hearing to consider the following:

Notice is hereby given that on May 3, 2004, the City Council of the City of Huntington Beach adopted a Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention To Grant an Oil Pipeline Franchise to Pacific Terminals, LLC." Pursuant to the provisions of Chapter 3.56 of the Municipal Code of the City of Huntington Beach and, the Franchise Act of 1937, as codified in Public Utilities Code Sections 6201, et seq, the City Council of the City of Huntington Beach hereby gives notice as follows:

On Monday, June 7, 2004, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2000 Main Street, Huntington Beach, California, the City Council will conduct a public hearing on the following "ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH GRANTING AN OIL PIPELINE TO PACIFIC TERMINALS LLC." If adopted, this ordinance will grant Pacific Terminals an oil pipeline franchise that will terminate in fifteen (15) years unless otherwise extended pursuant to the terms of the ordinance and provides that Pacific Terminals and its successors and assigns will, during the life of the franchise, pay to the City of Huntington Beach an annual fee consistent with Section 6231.5 of the California Public Utilities Code, as amended from time to time, and that, in the event such payment is not made, the franchise will be forfeited.

At the above-mentioned time and place any person interested will be heard on the proposed ordinance. A copy of the proposed ordinance is on file in the City Clerk's office. Any questions on the proposed ordinance may be directed to Linda Daily, Department of Public Works (714) 536-5599. Any person may make written protest stating objections against granting the franchise by delivering the written protest signed by the protestant to the City Clerk at a time not later than 7:00 p.m. on June 7, 2004.

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

****PowerPoint presentation titled *Oil Pipeline Franchise – Adoption of Ordinance Granting Franchise to Pacific Terminals LLC* is included in the agenda packet.**

Recommended Action: Motion to:

1. Hold a public hearing regarding the granting of an oil pipeline franchise agreement to Pacific Terminals, LLC;

and

(Continued on the Next Page)

2. After the City Clerk reads by title, approve for introduction **Ordinance No. 3654** - "An Ordinance of the City Council of the City of Huntington Beach Granting an Oil Pipeline Franchise to Pacific Terminals LLC."

Public Works Director Robert F. Beardsley presented PowerPoint presentation. Approved for Introduction 7-0

D-2. (City Council) Public Hearing Opened and Continued Open from April 19, 2004 to a Study Session on May 17, 2004 – Open and Close this Public Hearing – Study Session Scheduled for August 2, 2004 - Re-advertise Public Hearing to a Date Uncertain to Consider Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Sections of the Downtown Specific Plan (450.20)

Communication from the Planning Director transmitting the following **Statement of Issue**: The purpose of Zoning Text Amendment No. 03-02 is to streamline the entitlement process, decrease processing time, create cost-savings for applicants, and most importantly improve customer service by allowing the review of a project by the lower hearing body. The Zoning Administrator would review certain applications currently heard by the Planning Commission and the Director of Planning would be given more discretionary approval.

Per the City Council's direction at the May 17 City Council study session, Zoning Text Amendment No. 03-02 is to be continued to the August 2, 2004 City Council study session in order to review further details of the proposed streamlining ordinance. Future public hearing shall be re-advertise.

Applicant: City of Huntington Beach

Request: To amend 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: Citywide

Environmental Status: Notice is hereby given that the Zoning Text Amendment No. 03-02 is categorically exempt pursuant to Class 20, City Council Resolution No. 4501, which supplements 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 before meeting) April 15, 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 714-536-5271 and refer to the above items. Direct your written communications to the City Clerk.

(Continued on the Next Page)

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

Recommended Action: Motion to:

Continue the Zoning Text Amendment No. 03-02 Study Session to the August 2, 2004 Council Meeting, and open and close the public hearing to be re-advertised to a date uncertain.

Opened and Closed Public Hearing and readvertise. Continue Study Session to August 2, 2004.

Approved 7-0

D-3. (City Council) Public Hearing to Approve for Introduction Ordinance No. 3655 for the Huntington Beach Auto Dealers Business Improvement District (BID) Mid-Year Modification and Assessment Increase (per Resolution of Intention No. 2004-22 Adopted at the 5/3/04 Council Meeting) (460.30)

Communication from the Economic Development Director.

Public Hearing to consider the following:

Notice is hereby given that on May 3, 2004, the City Council of the City of Huntington Beach adopted a Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention To Modify The Basis And Method Of Levying The Assessment Within The Huntington Beach Auto Dealers Business Improvement District." Pursuant to the provisions of Chapter 3.52 of the Municipal Code of the City of Huntington Beach and the Parking and Business Improvement Area Law of 1989, as codified in Streets and Highways Code Sections 36500, et seq, the City Council of the City of Huntington Beach hereby gives notice as follows:

On Monday, June 7, 2004, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2000 Main Street, Huntington Beach, California, the City Council will conduct a public hearing on the following "ORDINANCE OF THE CITY OF HUNTINGTON BEACH MODIFYING THE BASIS AND METHOD OF LEVYING THE ASSESSMENT WITHIN THE HUNTINGTON BEACH AUTO DEALERS BUSINESS IMPROVEMENT DISTRICT."

At the above-mentioned time and place any person interested will be heard on the proposed ordinance. A copy of the proposed ordinance is on file in the City Clerk's office. Any questions on the proposed ordinance may be directed to Christy Teague, in the Economic Development (714) 536-5542. Any person may make written protest stating objections against granting the franchise by delivering the written protest signed by the protestant to the City Clerk at a time not later than 7:00 p.m. on June 7, 2004.

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

Recommended Action: Motion to:

1. Conduct a public hearing;

and

2. After the City Clerk reads by title, approve for introduction **Ordinance No. 3655** - "An Ordinance of the City of Huntington Beach Modifying the Basis and Method of Levying the Assessment Within the Huntington Beach Auto Dealers Business Improvement District."

Economic Development Director David Biggs presented the PowerPoint presentation. Ordinance 3655 Approved for introduction 6-0-1 (Houchen out of the room)

Agenda Items D-4a and D-4b are inter-related and will be presented as part of one public hearing, which is to remain open until all inter-related matters are heard:

D-4a. (City Council) Public Hearing Part 1 of 2 to Consider Appeals Filed by (1.) The Robert Mayer Corporation and (2.) Lewis Brisbois Bisgaard & Smith, LLP on behalf of South Coast Angus, LLC of the Planning Commission's Approval of the Pacific City Project's Environmental Impact Report (EIR) No. 02-01 (See Agenda Item D-4b. for Appeals of (TTM) Tentative Tract Map No. 16338, (CUP) Conditional Use Permit No. 02-20 with Special Permit No. 02-04, (CDP) Coastal Development Permit No. 02-12, Conceptual Master Plan and Related Findings of Fact and California Environmental Quality Act (CEQA) Statement - Located at 21002 Pacific Coast Highway – Applicant/ Property Owner: Makallon Atlanta Huntington Beach, LLC, (Ethen Thacher)- Adopt Resolution No. 2004-37 (420.60)

Communication from the Planning Director on the first part of the two-part Public hearing to consider the following planning and zoning items:

Applicant/Property Owner: Makallon Atlanta Huntington Beach, LLC, Ethen Thacher, 4100 MacArthur Blvd., Ste 200, Newport Beach, CA 92660

Appellants: The Robert Mayer Corporation and Lewis Brisbois, Bisgaard, Smith, LLP on the EIR; Makar Properties, LLC and The Robert Mayer Corporation on the TTM No. 16338, CUP No. 02-20, SP No., 02-04, CDP No. 02-12 and the CMP.

Request: Environmental Impact Report: An analysis of the potential environmental impacts that may occur from development of the Pacific City project. **Tentative Tract Map:** A request to subdivide approximately 31.5 acres into three parcels for purposes of developing a mixed-use project. One of the parcels will be for residential condominium purposes and the other two parcels are for a commercial/office/hotel development. In the residential portion of the project, there will be a 2.0-acre village park easement for public usage as well as a lettered lot for a private access road. **Conditional Use Permit/Coastal Development Permit:** A request to develop a mixed-use project consisting of retail, office, restaurant, cultural, and entertainment uses (191,100 sq. ft. reduced alternative plan), a 400 room, eight-story hotel, spa and health club; a 2.0-acre open space/park easement; 516 condominium units above subterranean parking and associated infrastructure including the extension of Pacific View Avenue. The request also includes outdoor dining, alcohol beverage sales, live entertainment indoors and outdoors, and dancing within the proposed

restaurants and hotel development; carts and kiosks within the commercial and hotel development; and valet service, parking entrance gates, attendant booths, and/or collection of fees within the below grade parking structures. In addition, the request includes a shared parking analysis which includes a reduction in the number of parking spaces required for the mixed-use project (retail, office, restaurant, cultural, entertainment, hotel, and spa uses), and tandem parking spaces. Included in the request is to permit development on a site that has a grade differential greater than three (3) feet from the low to the high point (approximately 25' from the lowest point to its highest point); and for development in the Coastal Zone. Lastly, the request includes any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, and may include but is not limited to excavation, temporary stockpiling, and on-site remediation.

Three **Special Permit** requests are as follows: 1) to allow commercial buildings to encroach into the required setbacks along Pacific Coast Highway and Pacific View Avenue; 2) to allow three driveway ramps into the residential below grade parking structures at a slope of 15% in lieu of maximum 10%; and 3) to permit retaining walls and private patio walls in the required perimeter residential setback areas. A **Conceptual Master Plan** is included that provides an overall buildout plan of the commercial and residential portions of the site.

Location: 21002 Pacific Coast Highway (31-acre site bounded by Pacific Coast Highway, First Street, Atlanta Avenue, and Huntington Street).

Environmental Status: In accordance with CEQA, Environmental Impact Report No. 02-01 was prepared by EIP Associates, a consultant hired by the City to analyze the potential impacts to the project. The EIR was certified by the Planning Commission on March 23, 2004. The EIR must be certified by the City Council prior to any action on Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20 with Special Permits and Coastal Development No. 02-12. Prior to certification and adoption of the EIR by resolution, the City Council may amend the document. However, removal of any of the recommended mitigation measures requires findings and justification.

The initial environmental assessment(s) for the above item was processed and completed in accordance with the California Environmental Quality Act. It was determined that the project may have significant environmental effects and, therefore, an environmental impact report was required. Environmental Impact Report No. 02-01 was prepared in accordance with CEQA and is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

Non-Appealable Jurisdiction of the Coastal Zone: This agenda item is located in the non-appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-12 filed on April 4, 2002 in conjunction with the above request. The Coastal Development Permit hearing will consist of a staff report, public hearing, City Council discussion and action.

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 before meeting) June 3, 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

**PowerPoint presentation titled *Environmental Impact Report No. 02-01 Pacific City Project* is included in the agenda packet.

**Communication submitted by Paul Cross dated May 27, 2004 titled *Statement on the Record by Paul Cross to the City Council of Huntington Beach on the Subject of the Planning Commission Approval of the Pacific City Development Project* in opposition to the Environmental Impact Report (EIR).

**Three Communications submitted by Mark D. Bixby dated May 31, 2004, April 26, 2004 and March 21, 2004 titled *Pacific City* in opposition to the EIR.

**Communication submitted by Ronald H. Satterfield dated June 2, 2004 titled *Pacific City Project* in opposition to the EIR.

**Communication submitted by Edward Kerins, President Huntington Beach Tomorrow dated June 1, 2004 titled *Pacific City CUP and Conceptual Master Plan* in support of the EIR with recommendations.

**14 Communications in support of the Pacific City Project.

Recommended Action: Motion to:

Planning Commission and Staff Recommendation:

Certify Environmental Impact Report No. 02-01 by approving **Resolution No. 2004-37** – *“Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report (SCH#2003011024) for the Pacific City Project.”*

D-4b. (City Council) Public Hearing Part 2 of 2 – To Consider Appeals Filed by (1.) Makar Properties, LLC and (2.) The Robert Mayer Corporation of Tentative Tract Map (TTM) No. 16338, (CUP) Conditional Use Permit No. 02-20 with Special Permit No. 02-04, (CDP) Coastal Development Permit No. 02-12, Conceptual Master Plan and Related Findings of Fact and CEQA Statement of Overriding Considerations - Pacific City – Applicant/Property Owner: Makallon Atlanta Huntington Beach, LLC, Ethen Thacher (420.60)

Communication from the Planning Director on the second part of the two-part Public hearing to consider the following planning and zoning items:

Applicant/Property Owner: Makallon Atlanta Huntington Beach, LLC, Ethen Thacher, 4100 MacArthur Blvd., Ste 200, Newport Beach, CA 92660

Appellants: The Robert Mayer Corporation and Lewis Brisbois, Bisgaard, Smith, LLP on the EIR; Makar Properties, LLC and The Robert Mayer Corporation on the TTM No. 16338, CUP No. 02-20, SP No., 02-04, CDP No. 02-12 and the CMP.

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Request: Environmental Impact Report: An analysis of the potential environmental impacts that may occur from development of the Pacific City project. **Tentative Tract Map:** A request to subdivide approximately 31.5 acres into three parcels for purposes of developing a mixed-use project. One of the parcels will be for residential condominium purposes and the other two parcels are for a commercial/office/hotel development. In the

residential portion of the project, there will be a 2.0-acre village park easement for public usage as well as a lettered lot for a private access road. **Conditional Use Permit/Coastal Development Permit:** A request to develop a mixed-use project consisting of retail, office, restaurant, cultural, and entertainment uses (191,100 sq. ft. reduced alternative plan), a 400 room, eight-story hotel, spa and health club; a 2.0-acre open space/park easement; 516 condominium units above subterranean parking and associated infrastructure including the of fees within the below grade parking structures. In addition, the request includes a shared parking analysis which includes a reduction in the number of parking spaces required for the extension of Pacific View Avenue. The request also includes outdoor dining, alcohol beverage sales, live entertainment indoors and outdoors, and dancing within the proposed restaurants and hotel development; carts and kiosks within the commercial and hotel development; and valet service, parking entrance gates, attendant booths, and/or collection mixed-use project (retail, office, restaurant, cultural, entertainment, hotel, and spa uses), and tandem parking spaces. Included in the request is to permit development on a site that has a grade differential greater than three (3) feet from the low to the high point (approximately 25' from the lowest point to its highest point); and for development in the Coastal Zone. Lastly, the request includes any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, and may include but is not limited to excavation, temporary stockpiling, and on-site remediation.

Three **Special Permit** requests are as follows: 1) to allow commercial buildings to encroach into the required setbacks along Pacific Coast Highway and Pacific View Avenue; 2) to allow three driveway ramps into the residential below grade parking structures at a slope of 15% in lieu of maximum 10%; and 3) to permit retaining walls and private patio walls in the required perimeter residential setback areas. A **Conceptual Master Plan** is included that provides an overall buildout plan of the commercial and residential portions of the site.

Location: 21002 Pacific Coast Highway (31-acre site bounded by Pacific Coast Highway, First Street, Atlanta Avenue, and Huntington Street).

Environmental Status: In accordance with CEQA, Environmental Impact Report No. 02-01 was prepared by EIP Associates, a consultant hired by the City to analyze the potential impacts to the project. The EIR was certified by the Planning Commission on March 23, 2004. The EIR must be certified by the City Council prior to any action on Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20 with Special Permits and Coastal Development No. 02-12. Prior to certification and adoption of the EIR by resolution, the City Council may amend the document. However, removal of any of the recommended mitigation measures requires findings and justification.

The initial environmental assessment(s) for the above item was processed and completed in accordance with the California Environmental Quality Act. It was determined that the project may have significant environmental effects and, therefore, an environmental impact report was required. Environmental Impact Report No. 02-01 was

(Continued on the Next Page)

prepared in accordance with CEQA and is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

Non-Appealable Jurisdiction of the Coastal Zone: This agenda item is located in the non-appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-12 filed on April 4, 2002 in conjunction with the above request. The Coastal Development Permit hearing will consist of a staff report, public hearing, City Council discussion and action.

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 before meeting) June 3, 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

Recommended Action: Motion to:

Planning Commission and Staff Recommendation:

- A.** Approve Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, and the Pacific City Conceptual Master Plan with findings and Conditions of Approval (Attachment No. 1).

and

- B.** Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 2).

Planning Director Howard Zelefsky orally presented the historical background of the project. Director Zelefsky spoke relative to a March 17, 2004 meeting which he stated was the cause of misunderstanding between the City and Pacific City Coalition representatives.

Planning Manager Scott Hess presented wall diagrams of the Tentative Tract Map, Conditional Use Permit, Special Permits, Site Plans, Floor Plans and Elevations.

Principal Planner Mary Beth Broeren reported on the EIR which was certified by the Planning Commission and complies with the California Environmental Quality Act (CEQA). Ms. Broeren addressed the appeals filed and announced Ms. Marianne Tanzer and Ms. Terri Vitar, representatives from the City's consulting firm, EIP Associates, are available for questions.

Appellant Steve Bone of the Robert Mayer Corporation spoke and distributed Late Communication regarding what he states as a parking deficiency of 260 spaces. Rock Miller, consultant with Robert Mayer Corporation, spoke regarding traffic issues and distributed two Late Communications.

Michael Gagnet, on behalf of Makar Properties and consultant for applicant, Paul Wilkinson, spoke regarding shared parking.

Councilmember Cook inquired relative to mode studies. Councilmember Cook referred to Page D-4a.5 of the agenda item.

Public Works Director Beardsley introduced Transportation Manager Bob Stachelski to report regarding mode shift and distributed Late Communication.

**Motion made to deny appeal filed by Robert Brisebois, et al
Approved 7-0**

**Motion to certify EIR #02-01 (Pacific City)
Approved 7-0**

The Council then proceeded to discuss the Tentative Tract Map, CUP, Special Permits, CDP and Conceptual Master Plan.

**Motion to require meandering sidewalks along the perimeter of the project and for the Planning Department to review the City of Irvine's bike rack requirement and specify the number of bike spaces for Pacific City.
Approved 7-0**

**Motion for staff to review traffic calming alternatives to control traffic and decrease speed along Pacific View Avenue to create a more pedestrian friendly atmosphere and for alternatives to be reviewed by the Design Review Board.
Approved 5-2 (Green, Sullivan – No)**

Councilmember Boardman then discussed her memo and made motions referencing the conditions.

**Motion to add condition requiring that 100% of the park land in-lieu fee be paid by the applicant for the project.
Approved 7-0**

**Motion to condition project to require applicant to build 39 units on site, 100% that will be low income level of affordability.
Failed 2-5 (Sullivan, Coerper, Hardy, Green, Houchen – No)**

Motion to add the following condition:

"The California Coastal Commission in a letter to staff has expressed concern about re-emergent wetlands on the site. The sites where re-emergent wetlands might be found are around and in the pits that have been dug during the soil remediation

process. The condition of approval recommended by staff allows the filing on the pits prior to the new wetlands delineation. This condition alters that to:

*The wetland delineation on the site will occur before the remediation pits are filled, and that the criteria used to define wetland be the ones used in the LCP which are *For purposes of this classification. Wetlands must have one or more of the following attributes:*

- 1. At least periodically, the land supports predominantly hydrophytes; or*
- 2. The substrate is predominantly hydric soil; or*
- 3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.”*

*Substitute motion to eliminate the need for the aforementioned condition.
Approved 4-3 (Hardy, Boardman, Cook – No)*

Motion to add the following condition:

“In the common areas of the development drought tolerant plants will be used”.

Failed 3-4 (Sullivan, Coerper, Green, Houchen – No)

Motion to add the following condition:

“According to the California Coastal Commission, the LCP for this area requires environmentally sensitive habitat be protected from any significant disruption of habitat values and only uses dependent on those resources shall be allowed in those areas. This condition requires that if any environmentally sensitive habitat is found on the site it will be protected from significant disruption, and only uses dependent on those resources shall be allowed in those areas.

**California Coastal Commission letter of March 18, 2004 page D-4a.182 of agenda packet.”*

Approved 7-0

Motion that Orange County Coastkeeper recommendation that the water quality plan be submitted to Council for review and approval.

Approved 5-2 (Green, Houchen – No)

Motion that employee parking be onsite and any parking fees for employees not exceed annual parking pass fee at the beach parking lot.

Approved 7-0

End of Amended Motions to amend the Conditions of Approval.

Motion to approve Tentative Tract Map #16338, CUP #02-20, Special Permit #02-04, Coastal Development Permit #02-12, Conceptual Master Plan with findings and amended Conditions of Approval; and approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations per the RCA.

Approved 6-1 (Hardy – 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) Adopt Resolution No. 2004-40 to Modify Salary for Calendar Year 2004 for Joan L. Flynn, Appointed City Clerk to Fill the Remainder of Connie Brockway's Unexpired Term Due to Her Retirement** (700.60) **Adopt Resolution No. 2004-40** - "A Resolution of the City Council of the City of Huntington Beach Modifying Salary for Calendar Year 2004 for the Appointed City Clerk." Submitted by the City Attorney. Funding Source: Funding included in the Fiscal Year 2003-2004 budget.
Adopted 7-0
- E-2. (City Council) Approve Plans and Specifications and Authorize the Director of Public Works to Advertise for Bids for the 2003-2004 Pavement Rehabilitation Project; CC-1222** (600.50) – Approve the project plans and specifications and authorize the Director of Public Works to request bids for the 2003-2004 pavement rehabilitation project; CC-1222. Submitted by the Public Works Director. Funding Source: Funds for this project are budgeted through Measure M Fund, Street Improvements Account. The Engineer's cost estimate for construction contract is \$2,500,000. (Arterial Locations: 1) Brookhurst Street (s/o Bushard-Hamilton); 2) Bushard Street (Brookhurst-Banning); 3) Edwards Street (Warner-Bolsa); 4) Warner Avenue (Bolsa Chica-Graham) and Residential Street Locations 5) Davenport Island; 6) Hooker Drive (Willett-Standish) and 7) Hughes Drive (Carrie-Edwards).
Approved 7-0
- E-3. (City Council) Approve the Release of Securities for Tract No. 14321 Located 800 Feet n/w of the Intersection of 17th Street and Adams Avenue – Approve the Notice of Acceptance of Public Improvements (Developer, Crystal Island, LLC)** (420.60) –
1. Accept the improvements constructed and dedicated for public use with Tract No. 14321; and 2. Accept Guarantee and Warranty Bond No. 3SM95952600-A; the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and 3. Release the Faithful Performance/Labor and Material Bond No. 3SM95952600; and Monument Bond No. 3SM95952700 pursuant to California Government Code Section No. 66499.7(a); and 4. Instruct the City Clerk to notify the developer, Crystal Island, LLC, of this action and the City Treasurer to notify the Surety, **American Motorist Insurance Company**, of this action; and 5. Instruct the City Clerk to record the "Acceptance of Public Improvements" with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
Approved 7-0

- E-4. **(City Council) Approve Reappointments of Terry Dolton and Randy Fuhrman to the Environmental Board for a Second Term to Expire June 30, 2008** (110.20) – Approve the reappointments of Terry Dolton and Randy Fuhrman to the Environmental Board for a second term to expire June 30, 2008 as recommended by Council liaisons Councilmember Boardman and Councilmember Sullivan. Submitted by the Planning Director and as recommended by Council Liaisons Councilmember Connie Boardman and Councilmember Dave Sullivan. Funding Source: Not applicable.
Approved 7-0
- E-5. **(City Council) Approve Professional Service Agreement between the City and Public Resources Management Group, (Brad Wilkes, Sole Proprietor) to Develop an Updated Cost Allocation Plan and User Fee Study** (600.10) – Authorize the City Administrator to enter into a *Professional Services Contract Between the City of Huntington Beach and Public Resources Management Group for a Cost Allocation Plan and User Fee Study*, a sole proprietorship, to assist the city in developing an updated cost allocation plan and user fee study. Submitted by the Administrative Services Director. Funding Source: Adopted in fiscal year 2003-2004 budget. The contract is for an amount not-to-exceed \$100,000.
Approved 7-0
- E-6. **(City Council) Adopt Resolution No. 2004-38 for a Summary Vacation of Excess Right-of-Way Easement Located at 306 Indianapolis Avenue** (800.50) – **1.** Adopt **Resolution No. 2004-38** - “A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Right-of-Way Easement at 306 Indianapolis Avenue;” and **2.** Instruct the City Clerk to record the said resolution and attached exhibits with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not applicable.
Adopted 7-0
- E-7. **(City Council) Approve Amended and Restated Agreement for Settlement of Litigation Between the City and Mills Land and Water Company (Mills Land and Water v. City of Huntington Beach, Case No. OCSC 73 94 12) Located at Pacific Coast Highway between Newland Street and Beach Boulevard** (600.10) – Authorize the Mayor and City Clerk to execute the attached *Amended and Restated Agreement for Settlement of Litigation*. Submitted by the City Attorney. Funding Source: Not applicable.
Councilmember Boardman inquired regarding offer to purchase the Cabrillo Mobile Home Park.
Approved 7-0
- E-8. **(City Council) Approve Renewal of Agreement (Amendment No. 1) with the City of Fountain Valley for Emergency Preparedness and Disaster Planning Services** (600.10) - Approve the professional services contract *Amendment No. 1 Between the City of Huntington Beach and the City of Fountain Valley for Emergency Services Coordinator* for the services of the Huntington Beach Fire Department and authorize the Mayor and City Clerk to execute it. Submitted by the Fire Chief. Funding Source: None required.
Approved 7-0

E-9. (City Council) Adopt Resolution No. 2004-39 Amending the Classification Plan by Modifying the Classification for Deputy City Attorney I, II, and III and Deleting Computer Operator (700.10) – Adopt **Resolution No. 2004-39 - “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying the Classification for Deputy City Attorney I, II, and III and Deleting Computer Operator in the City Classification Plan.” Submitted by the Administrative Services Director. Funding Source: No fiscal impact to this action.**

Adopted 7-0

E-10 (City Council) Approve Agreement with GeoSyntec, Inc. for Environmental Consulting for the Pacific City Project Soil Remediation and Authorize Appropriation of \$70,000 (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and GeoSyntec, Inc. for Environmental Consulting Services* and authorize an appropriation of \$70,000. Submitted by the Fire Chief. Funding Source: Funding for this work is available in the Fire Prevention business unit professional services account. As a condition of approval for the Pacific City Project, the developer, Makallon Atlanta Huntington Beach, LLC, is required to reimburse the City for all costs submitted by the third-party consultant for the soil remediation activities at the site. **(See Public Hearing D-4a. and D-4b.)**

Approved 7-0

F. Administrative Items**F-1. (City Council) Continued from the May 3, 2004 Meeting - Discuss Staff Alternatives on Proposed Temporary Closure of Main Street Downtown Between Pacific Coast Highway and Orange Street for a Pedestrian Promenade from Early August to Late October 2004 (800.60)**

Communication from the Assistant City Administrator and the Directors of Public Works, Planning, Economic Development, Community Services, Police Chief and Fire Chief transmitting the following **Statement of Issue (transmitted as a Public Meeting Notice as shown below)**: By action on May 3, 2004, the City Council directed staff to develop alternatives for street closure on up to three blocks of Main Street, between Pacific Coast Highway and Orange Avenue, to create a pedestrian promenade on a trial basis. Presented in this report are two alternatives for a temporary closure of Main Street for this purpose.

Funding Source: Potential funds are available through the Redevelopment Agency for installation and removal of modifications identified for each alternative. Maintenance of the area during the trial period would require appropriations from the General Fund. Some revenue losses are anticipated due to the loss of use of parking meters and citations within any block closure area.

The "second block" closure alternative would result in anticipated costs of between \$62,000 and \$133,000 with \$19,000 to \$88,500 eligible for use of Redevelopment funds, and the remainder (approximately \$42,000 to \$44,000) with a net impact to the General fund (both in expenditures and revenue loss).

The two-block closure alternative would result in anticipated costs of between \$117,000 and \$258,000 with \$33,500 to \$171,500 eligible for use of Redevelopment funds, and the remainder (approximately \$83,500 to \$86,500) with a net impact to the General Fund (both in expenditures and revenue loss).

On Monday, June 7, 2004 at 7:00 p.m., City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public meeting on the following planning item:

Applicant: City of Huntington Beach

Request: To consider alternatives for the temporary conversion of as many as three blocks of Main Street to a pedestrian promenade.

Location: Main Street, between Pacific Coast Highway and Orange Street (see map on reverse side)

Contact: Laurie Payne, Community Relations Officer at (714) 536-5577

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 before meeting) June 3, 2004.

(Continued on the Next Page)

ALL INTERESTED PERSONS are invited to attend said meeting 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 meeting described in this notice, or in written correspondence delivered to the City at, or prior to, the meeting. If there are any further questions please call Laurie Payne, Community Relations Officers at (714) 536-5577 and refer to the above item. Direct your written communications to the City Clerk.

**Communication submitted by Paul and Letha Strain addressed to the City Clerk regarding the Downtown Main Street Pedestrian Promenade is included in the agenda packet.

Recommended Action: Motion to:

Direct staff and authorize funds of \$88,330 (\$44,730 from Redevelopment Funds and \$22,500 from the General Fund) to implement Alternative 1 at enhancement level 1 from early August to late October 2004, and incorporate all items identified in the recommended implementation program outlined in the attached report. Authorize the use of sole source purchasing methods to obtain contract services a necessary to meet time deadlines.

***Substitute motion to not approve proposed closure of Main Street at this time.
Amended to add formation of a committee to meet with Downtown Business owners and staff with Councilmembers Sullivan, Coerper and Houchen as Committee members.
Approved 7-0***

F-2. (City Council) Adopt Resolution No. 2004-41 Approving Election of the City to be Subject to the Public Employees' Medical and Hospital Care Act with Respect to FMA (Fire Management Association) (720.20)

Communication from the Assistant City Administrator and Administrative Services Director transmitting the following **Statement of Issue**: The city and Huntington Beach Fire Management Association have come to an agreement to have the California Public Employees' Retirement System (CALPERS) administer health insurance through the Public Employees' Medical and Hospital Care Act.

Funding Source: Not applicable.

Recommended Action: Motion to:

Adopt **Resolution No. 2004-41** – “A Resolution of the City Council of the City of Huntington Beach Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to the Huntington Beach Fire Management Association and Fixing the City's Contribution for Employees and the Contribution for Annuitants at Different Amounts.”

Approved 5-2 (Sullivan, Boardman – No)

F-3. (City Council) Adopt Resolution No. 2004-44 Approval of Memorandum of Understanding (MOU) Between the City and the Huntington Beach Fire Management Association (FMA) for December 20, 2003 Through December 31, 2004 (720.20)

Communication from the Assistant City Administrator and Administrative Services Director transmitting the following **Statement of Issue**: Should the city and the Huntington Beach Fire Management Association enter into a new Memorandum-of-Understanding covering the period of December 20, 2003 through December 31, 2004?

Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper's December 15, 2003 H-Item titled, “H” Item for December 18, 2003, City Council Meeting Approval of Funds to Pay Part of Employees Health Insurance Costs. The increase in total annual cost to implement the Memorandum-of-Understanding with the Huntington Beach Fire Management Association is approximately \$2,700. The remainder of the funding is included in the fiscal year 2003-2004 budget.

Recommended Action: Motion to:

Adopt **Resolution No. 2004-44** – “A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for December 20, 2003 Through December 31, 2004.”

Approved 5-2 (Sullivan, Boardman – No)

F-4. (City Council) Adopt Resolution No. 2004-42 Implementing the Memorandum-of-Understanding (MOU) Between the Huntington Beach Firefighters' Association (HBFA) and the City of Huntington Beach from September 27, 2003 Through September 24, 2004 and Adopt Resolution No. 2004-43 Amending the Memorandum-of-Understanding by Adopting Side Letters of Agreement (720.20)

Communication from the Assistant City Administrator and Administrative Services Director transmitting the following **Statement of Issue:** Should the city and the Huntington Beach Firefighters Association enter into a new Memorandum-of-Understanding covering the period of September 27, 2003 through September 24 2004?

Funding Source: Funding was adopted by the City Council with the adoption of Councilmember Coerper's December 15, 2003 H-Item titled, "*H*" Item for December 18, 2003, City Council Meeting Approval of Funds to Pay Part of Employees Health Insurance Costs. The increase in total annual cost to implement the Memorandum-of-Understanding with the Huntington Beach Firefighters' Association is approximately \$64,800, of which \$54,300 is for health insurance costs. The remainder of the funding is included in the fiscal year 2003-2004 budget.

Recommended Action: Motion to:

Adopt **Resolution No. 2004-42** – "*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 27,2003 Through September 24, 2004.*"

and

Adopt **Resolution No. 2004-43** – "*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters' Association (HBFA)by Adopting Side Letters of Agreement.*"

Approved 7-0

G. Ordinances**G-1. Ordinances for Adoption - None****G-2. Ordinances for Introduction - None****H. City Council/Redevelopment Agency Items****H-1a. Submitted By Councilmember Debbie Cook****(City Council) Direct Staff to Provide Policy and Direction to the 4th of July Executive Committee as to Cost Allocations for Perquisites Associated with Elected Officials Participating in the 4th of July Festivities (960.30)**

Communication from Councilmember Debbie Cook transmitting the following **Statement of Issue**: The 4th of July Executive Committee, a volunteer city sponsored committee, shoulders the burden of organizing, promoting and fundraising for festivities related to the City's celebration of our Nation's birthday. Because of the City's fiscal constraints, this year the Committee has taken on additional responsibilities as the City Council has asked them to reimburse the City for more of the costs associated with Police, Fire, Building & Safety, Community Services, and Public Works Departments.

In previous years, the Committee has generously provided vehicles, food, fireworks tickets, and other perquisites to dignitaries and various elected officials. This year, in order to meet their budget constraints, the Committee is seeking a limit to the types of vehicles and the quantities of tickets that are offered on a complementary basis.

Recommended Action:

In order to assist the Committee in budgeting purposes and to avoid future misunderstandings, adopt as Council Policy that elected officials purchase additional event tickets at face value and parade vehicles beyond that which are offered will be arranged and paid for by the individual elected official. (See attached letter from the 4th of July Executive Board dated 5/14/04).

Councilmember Cook reported.

Substitute motion made for Council to purchase all event tickets. Community Services Director Jim Engle reported on the Fourth of July budget.

Councilmember Coerper withdrew substitute motion

Original motion approved 6-1 (Green – 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.

Council/Agency Adjournment to Monday, June 21, 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.

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

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