

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 21, 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 (Coerper 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.)

Study Session – revision of communication submitted in the agenda packet.

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

None

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

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

(City Council/Redevelopment Agency) Study Session – Presentation by the Public Works Department of a Water Quality Update by the Huntington Harbour Committee (820.30)
Public Works Director Robert F. Beardsley to make a presentation.

**Communication of a 13 page report titled *Huntington Harbour Waterways Committee Summary Report March 2004* submitted by Councilmember Debbie Cook, Chair, Councilmember Dave Sullivan and Mayor Cathy Green is included in the agenda packet.

**Communication of a 5 page report titled *Huntington Harbour Waterways City Council Subcommittee Chairperson Cook; Members Sullivan and Green* regarding the issues and possible solutions and recommendations is included in the agenda packet.
Councilmember Cook reported orally and introduced Waterways Committee members. Public Works Director Robert F. Beardsley, City Engineer Dave Webb and Environmental Engineer Geraldine Lucas reported on the Late Communication recommendations regarding the fees for enforcement of the Harbour such as live aboards and other issues.

Ms. Lucas announced that Community Services has a contract in process for #18 on the Recommendation list on trash and debris collection. Discussion was held relative to the potential use of the sewer fee for some of the solutions.

Ms. Lucas announced that Ms. Mary Anne Skorpanich, the County of Orange Watershed Planner is present in the audience, who stated that the harbor maintenance plan is being revised. Upon Mayor Green's invitation several Waterways Committee members spoke. Discussion was held that a quarterly standing committee would meet on the issues and return to Council at a date uncertain.

Call Closed Session of City Council/Redevelopment Agency
Approved 7-0

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

1. **(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)
2. **(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. Subject: **Settlement of Breach of Warranty Claim.** (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

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 – ***Reverend Peggy Price***

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

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Study Session, Agenda on F-2, G-2a

Mayor announced reception for City Administrator Dr. Penelope Culbreth-Graft on Thursday, 6/24/04 at 5:00 p.m. in the City Hall courtyard co-sponsored by the Chamber of Commerce.

Presentation - Mayor Cathy Green to call on Joan Kilgore from the Child Abuse Services Team (CAST) and Assistant District Attorney Nat Glover to present awards to Police Chief Small and the detectives, past and present, who make up the Crimes Against Persons/Sexual Assault Unit. (160.40)

Mayor's Award - Mayor Cathy Green will be joined by Police Chief Ken Small to present the Mayor's Award to Elizabeth Backstrom, Supervising Communications Operator in the Police Department. (160.40)

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding **items of interest or agenda items OTHER than Public Hearings.**

Generally, Council will not enter into a dialogue during this period.

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

**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 spoke re: E-2 as the representative for Robert Koury. Speaker distributed a Late Communication re: selection of a Buyer for 214 Fifth Street

Speaker spoke regarding time-shares at The Robert Mayer Corporation site for a future third hotel. Speaker distributed a Late Communication.

Speaker expressed the belief that releasing of the bonds on the Crystal Island Tract was premature and stated reasons.

Speaker representing LGB Investments spoke regarding agenda item E-2 and the process of the sales of properties on Main Street. Speaker distributed a copy of proposed plans.

C-1. Council Committee/Council Liaison Reports – None**C-2. City Administrator's Report – None****C-3. City Treasurer's Report****C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's April 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for April 2004.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for April 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

City Treasurer Shari Freidenrich presented Power Point report.

Ms. Freidenrich reported on deferred compensation investments in response to Councilmember Coerper's inquiry.

Approved 7 – 0

D. PUBLIC HEARINGS

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

D-1. (City Council) Public Hearing to Consider Approval of General Plan Amendment No. 04-01 - Compliance with the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Requirements to Ensure the Protection and Quality of Watershed Principles - Amends the Programs of Various Elements: (1) Land Use; (2) Environmental Resource and Conservation; (3) Circulation; (4) Utilities; and (5) Growth Management – Adopt Resolution No. 2004-47 (440.50)

Communication from the Planning Director.

Applicant: City of Huntington Beach

Request: To amend the Land Use Element, Environmental Resource /Conservation Element, Circulation Element, Utilities Element and Growth Management Element to ensure that watershed protection principles and policies are properly addressed. The proposed changes include revisions and additions to the goals, objectives, policies and implementation programs of the various Elements.

Location: Citywide

Environmental Status: This Agenda Item is consistent with the Environmental Impact Report (EIR) certified for the 1996 General Plan adoption, which is a Program EIR. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, no new effects would occur or new mitigation measures would be required, as a result of this project. Therefore, General Plan Amendment No. 04-01 is within the scope of the project covered by the program EIR, and no new environmental document would be required.

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 the Thursday before the meeting, June 17, 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:

Approve General Plan Amendment No. 04-01 by adopting **Resolution No. 2004-47** – “A Resolution of the City Council of the City of Huntington Beach to Approve General Plan Amendment No. 04-01 by Enhancing the Goals, Objectives, Policies and Implementation Programs of Various General Plan Elements to Comply with the Santa Ana Regional Water Quality Control Boards' Water Quality Protection Principles.” (ATTACHMENT NO. 1.)

Principal Planner Mary Beth Broeren reported on the Power Point presentation included in the agenda packet.

Motion to add amendment that drought-tolerant plant materials be “required” (as stated previously in the Legislative Draft) instead of “encouraged.”

Approved 7 – 0

Motion on original recommended action.

Approved 7 – 0

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 May 3, 2004 and Special Meetings of May 12, 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. (Redevelopment Agency) Select LGB Investments, LLC as the Buyer for Property at 214 Fifth Street and Direct Staff to Notice a Public Hearing for July 19, 2004 to Consider Approval of the Sale** (650.70) – Select LGB Investments LLC as Buyer of 214 Fifth Street and direct staff to notice a **Public Hearing for July 19, 2004** to consider approval of the sale. Submitted by the Administrative Services Director and the Deputy Executive Director. Funding Source: Costs associated with concluding the sale will be funded from sales proceeds through escrow. The net proceeds of the sale will be revenue to the Redevelopment Agency.
Councilmember Houchen requested Economic Development Director David Biggs report on the process to receive clarification. He stated Robert Koury as the more qualified buyer. Amended to direct staff to invite sealed bids by Wednesday, 6/23/04 at 5:00 p.m. at no less than \$950,000.00.
Approved 7 – 0
- E-3. (City Council) Adopt Resolution No. 2004-48 to Submit a Proposal to the Board of Corrections for a Vandalism Accountability Program and Authorize the Chief of Police to Sign and Approve if Grant is Awarded** (340.80) – Adopt **Resolution No. 2004-48** – “A Resolution of the City Council of the City of Huntington Beach Supporting the Submission of a Grant Application to the Board of Corrections for a Vandalism Accountability Program.” Submitted by the Police Chief. Funding Source: A 10% match of \$3,300 is required, which has been included in the 2003-2004 Police Department’s budget under the General Investigations General Fund.
Adopted 7 – 0
- E-4. (City Council) Approve 2004-2005 Proposed Budget – West Orange County Water Board (WOCWB)** (320.80) – Approve the Fiscal Year 2004/2005 proposed West Orange County Water Board Budget in the amount of \$298,200. Submitted by the Public Works Director. Funding Source: Funds are proposed in the Fiscal Year 2004-2005 Budget in the Water Operations Fund Account. The net contribution for Fiscal Year 2004/2005 for the City of Huntington Beach will be \$135,101.
Approved 7 – 0

- E-5. **(City Council) Authorize Execution of Bills of Sale for (1) Well 3a; (2) Well 12; and (3) Well 13 with the Orange County Water District for Conjunctive Use Well Program** (1000.80)– Approve and authorize the Mayor and City Clerk to execute the *Bills of Sale* with the Orange County Water District. Submitted by the Public Works Director. Funding Source: No funding required.
Approved 7 – 0
- E-6. **(City Council) Approve Subdivision Agreement Between the City, the Ocean View School District and Lowe’s Home Improvement Warehouse (HIW) Inc. for Parcel Map No. 2002-125 and Accept Cash Bond (Located n/e Corner of Beach Boulevard and Warner Avenue)** (420.70) – 1. Approve and authorize the Mayor and City Clerk to execute the *Subdivision Agreement by and Between the City of Huntington Beach, the Ocean View School District of Orange County Lowe’s HIW, Inc., for Parcel Map No. 2002-125*; and 2. Accept a cash bond in the amount of \$1,323,750 as security for the installation of the required subdivision improvements and monumentation in lieu of the Faithful Performance, Labor and Material, and Monument Bonds. Submitted by the Public Works Director. Funding Source: Not applicable.
Approved 7 – 0

F. Administrative Items**F-1. (City Council) Adopt Resolution No. 2004-45 Calling General Municipal Election for November 2, 2004 – Election of Officers – Adopt Resolution No. 2004-46 Requesting the County of Orange to Consolidate the City's General Municipal Election with the Statewide General Election – November 2, 2004 (620.20)**

Communication from the City Clerk transmitting two resolutions for the conduct of the November 2, 2004 General Municipal Election. (Election of three members of the City Council, a City Treasurer and a City Clerk.)

Recommended Action: Motion to adopt:

1. **Resolution No. 2004-45** – *“A Resolution of the City Council of the City of Huntington Beach, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 2, 2004 for the Election of Certain Officers as Required by the Provisions of the Charter;”*

and

2. **Resolution No. 2004-46** – *“A Resolution of the City Council of the City of Huntington Beach Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 2, 2004, with the Statewide General Election to be Held on the Date Pursuant to §10403 of the Elections Code.”*

Approved 7 – 0

F-2. (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 – AB 2107 (Levine) Use Tax**, as amended 02/17/04;

and

2. **OPPOSE AB 2406 (Bermudez) Fire Safety Standards**, as amended 5/20/04;

and

3. **SUPPORT AB 2093 (Nakano) Large Passenger Vessels: Graywater**, as amended 03/22/04;

and

4. **OPPOSE SB 744 (Dunn) HCD State Housing Accountability Committee**, as amended 05/25/04;

and

5. **SUPPORT SB 1397 (Escutia) Locomotive Emissions Reduction & Mitigation**, as amended 04/29/04;

and

6. **SUPPORT SB 1089 (Johnson) – State Water Pollution Control**, as amended 04/27/04;

and

7. **SUPPORT SB 1087 (Soto) Highways: Safe Routes to Schools**, as amended 04/13/04

and

8. **SUPPORT - AB 2442 (Harman) Property Tax – State Assessed Power Generating Facilities**, as amended 04/13/04 with a request to reinstate language giving local governments standing in Board of Equalization hearings relating to generating facilities within their boundaries.

Amended to show correction on SB 1089 to show support as per Late Communication.

Approved 7 – 0

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

- G-1a. (City Council) Adopt 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) - **Ordinance No. 3654** - *“An Ordinance of the City Council of the City of Huntington Beach Granting an Oil Pipeline Franchise to Pacific Terminals LLC.”* (Approved for Introduction June 7, 2004.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3654**, by roll call vote.

Adopted 7 – 0

- G-1b. (City Council) Adopt 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)** (640.10) - **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.”* (Approved for Introduction June 7, 2004.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3655**, by roll call vote.

Adopted 7 – 0

- G-1c. (City Council) Adopt Ordinance No. Ordinance No. 3634 (1) Local Coastal Program Amendment (LCPA) No. 01-01; 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)** (640.10) - **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 for Introduction as amended April 5, 2004 Public Hearing.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3634**, by roll call vote.

Adopted 5 – 2 (Boardman, Cook – No)

G-2. Ordinance for Introduction

- G-2a. (City Council) Approve for Introduction Ordinance No. 3656 Amending Chapter 13.08 of the Huntington Beach Municipal Code Re: Smoking on the Beach**
(640.10) – Communication from the City Attorney transmitting the following **Statement of Issue**: Should the City amend the Huntington Beach Municipal Code to prohibit smoking on the beach? - **Ordinance 3656** – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Pertaining to Beach Regulations and Smoking on the Beach.” Submitted by the City Attorney.*
Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3656** by roll call vote.
Approved for Introduction 5 – 2 (Cook, Houchen – No)

H. City Council/Redevelopment Agency Items - None**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 Boardman spoke regarding the Southern California Heritage Gardening Guide CD, which are available while supplies last at the Public Works counter.

Council/Agency Adjournment to ***Tuesday, July 6, 2004 in observation of the Independence Day Holiday***, 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 L. FLYNN, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648**

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