

## **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require special assistance, 72-hour prior notification will enable the city to make reasonable arrangements. For American Sign Language interpreters, a reader during the meeting, and/or large print agendas, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms** at the meeting or the **City Clerk (714) 536-5227**.

## **ACTION AGENDA** **CITY COUNCIL/REDEVELOPMENT AGENCY** **CITY OF HUNTINGTON BEACH**

**TUESDAY SEPTEMBER 6, 2005**

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

6:00 P.M. - Council Chambers

Civic Center, 2000 Main Street

Huntington Beach, California 92648

**4:00 P.M.** - Room B-8

*The City Clerk will recess the 4:00 P.M. portion of the Meeting to 5:00 P.M. due to an anticipated lack of quorum.*

*Deputy City Clerk Kelly Mandic recessed.*

**Call City Council/Redevelopment Agency Meeting to Order – 5:10 p.m.**

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

**Present**

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

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

**None**

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

**None**

**(City Council/Redevelopment Agency) No Study Session Scheduled****Call Closed Session of City Council/Redevelopment Agency**

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

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(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 **Vera Galitzen v. City of Huntington Beach**, Orange County Superior Court Case No. 05CC05802. Subject: **Vera Galitzen v. City of Huntington Beach**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Maneck Bhujwala v. City of Huntington Beach**, Orange County Superior Court Case No. 05CC02532. Subject: **Maneck Bhujwala v. City of Huntington Beach**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **SCLEA and MSOA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.8 to give instructions to the City's Negotiator, **Deputy City Attorney Leonie Mulvihill**, regarding negotiations with **Fountain Valley School District** concerning the purchase of the property located at **9191 Pioneer Drive**. Instruction will concern: Both price and terms of payment. Subject: **Real Property Negotiations re: Purchase of Property Located at 9191 Pioneer Drive**. (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.8 to give instructions to the City's Negotiator, **Deputy City Attorney Leonie Mulvihill**, regarding negotiations with **Fountain Valley School District** concerning the purchase of the property located at **10251 Yorktown Avenue**. Instruction will concern: Both price and terms of payment. Subject: **Real Property Negotiations re: Purchase of Property Located at 10251 Yorktown Avenue**. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

**6:00 P.M. - Council Chambers – 6:11 p.m.**

**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**

***Fire Chief Duane Olson made an announcement about public safety in the Chambers, asking those standing in the back to relocate to the seats in the adjacent rooms.***

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

***Mayor Hardy announced the passing of Fire Department employee Marianne Vinson on 9/6/05 and of Chauncey Alexander, long time community activist, on 8/30/05.***

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

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

**Invocation – To be announced by the Mayor**

***Led by Father Christian Mondor, Sts. Simon & Jude***

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.)

***D-2, D-4a&4b (15 items), H1b***

**Presentation** - Mayor Jill Hardy to call on Ron McLin, President of the Huntington Beach Restaurant Association, to present a check to JoAnne Rankin who is President of the Friends of the Children's Library and Principal Librarian Nanci Williams. The money was raised from the Taste of Huntington Beach event. (160.40)

**Presentation** - Mayor Jill Hardy to call on Senior Services Supervisor Randy Pesqueira to introduce Council on Aging President Bob Dettloff. COA President Bob Dettloff will be presenting a check for \$18,000 to the City of Huntington Beach Senior Services for their Care Management Program. (160.40)

**Presentation** - Mayor Jill Hardy to present commendations to the members of the South Huntington Beach Girls' Fastpitch Softball team called the "Surf City Heat." The team took second place in the Western B All-Star National Championships. (160.40)

***Councilmember Coerper made an announcement about Hurricane Katrina and spoke regarding related fundraising efforts. Fire Chief Olson reported on collections of relief funds, and of deployment of two teams (four individuals) to help. Collections of funds are also being made at Pier Plaza. Councilmember Coerper announced \$50,000 donations from Aera Energy Systems. Police Chief reported on department members who volunteered to help in Louisiana. Mayor Hardy announced that donation items are still being collected at City Hall through September for the Second Harvest Food Bank, whose efforts will also benefit hurricane victims.***

## **B. PUBLIC COMMENTS**

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

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

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendized.

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

**Speaker regarding item E9 lives in assessment district and proposed council direct money into the infrastructure fund rather than the general fund. Stated opinion that funds should be used to the benefit of citizens.**

**Minister of 1<sup>st</sup> Christian Church of Huntington Beach expressed his appreciation for residents who participated in relief efforts, collecting 110,000 lbs of food & water. He announced they also raised approximately \$60,000.00.**

**Huntington Beach resident regarding item H-1a stated concerns that fees required for notification cost more than material to construct improvements.**

**Speaker regarding H-1b voiced concerns about proposed changes to specific plan and appeal process for developers. Encouraged Council to continue discussion and take no action tonight.**

**Managing owner of Bella Terra Association, also on behalf of J.H. Snyder Corp., asked Council to reconsider approval of H-1b. Stated concerns about delays that will be caused in development projects.**

**Speaker on behalf of 2<sup>nd</sup> Harvest Food Bank gave an update on drive results. Announced donations made by Huntington Beach Auto Dealers Association and resident Erica Zelmer's block party. Challenged each City resident to bring a case of water to City Hall to help with relief effort.**

**Chairman of Chamber of Commerce Community Development Committee spoke regarding H-1b, C.U.P. process. Asked council if a meeting can be held to address concerns before action is take. Also stated concurrence with previous speaker who asked surplus funds be sent to infrastructure fund with agenda item E9.**

**Speaker regarding Downtown Business Improvement District spoke in favor of Downtown BID, progress made and goals set.**

**Speaker asked Council to move agenda item D-4 up on the agenda to be held after public comments.**

**Speaker from Therapeutic Riding Center described services provided by center and the upcoming Oktoberfest fundraising event being held on 9/11 – Tickets include admission and dinner with many different activities. HBTRC.COM or 960-4675 for further information. Old World is donating services.**

**Speaker voiced opinions on E3 and H-2a. Thanked Councilmember Cook for bringing H-2a to the Council and stated concerns about Verizon construction. On E3 – stated opinion that City should operate its own animal control.**

**Motion to continue item H-2a to the next regular Council Meeting 9/19 – Approved 7-0**

**Motion to suspend Public Comments until public hearing is opened. Mayor Pro Tem Sullivan stated his opposition to motion. Mayor Hardy also stated opposition.**

**Substitute motion to move D4 prior to other public hearings. Mayor Hardy stated opposition; motion amended to continue items D1, D2, D3 until 9/19. Approved – 6-1(Hansen- No)**

**33-year resident Southeast Huntington Beach gave PowerPoint report depicting various “Visions” of Southeast Huntington Beach, in opposition to Poseidon Desalination Plant.**

**Homeowner since 1970’s voiced concerns about streets torn up due to sewer pipe construction. Concerned that water produced by proposed plant will not be used in Huntington Beach and concerned with effects on ocean and environment.**

**Long-term Huntington Beach residents spoke regarding environmental concerns associated with Poseidon project and asked Council to do what is best for our City and our beach.**

**25-year resident voiced opinion that developer is behind support for desalination project. Also spoke regarding property taxes, suggesting a contractual relationship between Poseidon and the City ensuring a discounted rate for water.**

**33-year resident spoke in favor of proposed desalination plant and refuted claims of those opposed to project. Listed benefits of project included no cost to city, increased taxes collected by city, improvement of AES site, and job-creation. Called it a win-win situation.**

**Retired Boeing Engineer spoke to address claims made by Southeast Huntington Beach Neighborhood Association. He refuted comments including those made about need for water sources in Huntington Beach and asked Council to place more value on expert opinions.**

**Registered civil engineer urged Council to deny this C.U.P. and Coastal Development Permit regarding Poseidon. Concerns included water quality and environmental. Also expressed concerns about energy required to operate the proposed desalination plant.**

**Speaker referred to AES plant construction and permits. Spoke in favor of the proposed desalination plant and the need for more water in the City. Listed other benefits including tax money and emergency access to water.**

**36-year resident stated opposition to proposed desalination plant due to pollution concerns.**

**20-year resident representing Huntington Beach/Seal Beach Chapter of Surfrider Foundation spoke in opposition to Poseidon but not in opposition to desalination. Stated water quality concerns not addressed by Poseidon. Also stated E.I.R. does not cover benefits of conservation.**

**38-year resident spoke in favor of proposed desalination plant since it will increase water supply.**

**Speaker voiced environmental concerns in opposition to proposed desalination plant. Stated her opinion that ocean in Huntington Beach is “sick” and must be cleaned up. Also stated efforts made by her family to conserve and protect environment.**

**Speaker in opposition to desalination plant stating environmental concerns and enjoyment of clean ocean.**

**C-1. Council Committee/Appointments/Liaison Reports (110.20)**

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

***Councilmember Coerper reported on "3/1" Marine Battalion announcing that some marines are being sent back to Iraq and showed pictures of an event held at Camp Pendelton. He also announced that his son returns from Iraq 9/9/05. Mayor Pro Tem Sullivan also reported.***

***Mayor Hardy announced 9-11 Remembrance Event to be held at 11:00 a.m. at Pier Plaza on 9/11/05.***

**C-2. City Administrator's Report****C-2a. City Administrator's Report (100.30)**

City Administrator Penny Culbreth-Graft will recognize three outstanding staff members who have filled roles in interim positions during the last few months. Public Works Director Robert Beardsley will be recognized for his work as Interim Assistant City Administrator. Deputy City Administrator Paul Emery will be recognized for his work as Interim Public Works Director. Information Services Business Manager Behzad Zamanian will be recognized for his work as Interim Information Services Director.

***City Administrator Culbreth-Graft made announcement.***

**C-4. City Attorney's Report of Litigation Filed (100.30)**

***None***

**D - PUBLIC HEARING**

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

**D-1. (City Council) Public Hearing - Adopt Resolution No. 2005-58 Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District for Fiscal Year 2005-2006 (460.30)**

Communication from the Acting Director of Economic Development transmitting the following

**Statement of Issue:** At the City Council meeting of August 15, 2005 the City Council approved Resolution No. 2005-57. This action declared the City's intention to levy an assessment for the Huntington Beach Hotel/Motel Business Improvement District for 2005-2006 and authorized the City Clerk to schedule a public hearing to be held on September 6, 2005. Copies of the Resolution, Boundary Map and assessment formula were sent to each business to be assessed. In follow-up to this action, the City Council must now hold a public hearing and pass a resolution approving an annual assessment for the 2005-2006 fiscal year.

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

\*\*PowerPoint presentation titled *Huntington Beach Hotel/Motel Business Improvement District (BID) Annual Renewal for FY 2005-2006 September 6, 2005* is included in the agenda packet.

**Recommended Action:** Motion to:

1. Conduct Public Hearing

and

2. Adopt City Council **Resolution No. 2005-58** – “A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District for Fiscal Year 2005-2006.”

**Public Hearing continued to 9/19/05 meeting. Approved 7-0**

**D-2. (City Council) Public Hearing – Adopt Resolution No. 2005-60 Approving an Annual Assessment Within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2005-2006 (460.30)**

Communication from the Acting Director of Economic Development transmitting the following

**Statement of Issue:** At the City Council meeting of August 15, 2005, the City Council approved Resolution No. 2005-53. This action declared the City’s intention to levy an assessment for the Huntington Beach Downtown Business Improvement District for 2005-2006 and authorized the City Clerk to schedule a public hearing to be held on September 6, 2005. Copies of the Resolution, BID Boundary Map and assessment formula were sent to each business to be assessed. In follow-up to this action, the City Council must now hold a public hearing and pass a resolution approving an annual assessment for the 2005-2006 fiscal year, assuming the protest threshold is not reached.

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

\*\*PowerPoint presentation titled *Downtown Business Improvement District Annual Review FY 2005-2006; September 6, 2005* is included in the agenda packet.

**Recommended Action:** Motion to:

1. Conduct public hearing.

and

2. Adopt City Council **Resolution No. 2005-60** “A Resolution of the City Council of the City of Huntington Beach Approving An Annual Assessment Within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2005-2006.”

**Public Hearing continued to 9/19/05 meeting. Approved 7-0**

**D-3. (City Council) Public Hearing – Adopt Resolution No. 2005-61 Approving an Annual Assessment for the Huntington Beach Auto Dealers Business Improvement District for Fiscal Year 2005-2006. (460.30)**

Communication from the Acting Director of Economic Development transmitting the following

**Statement of Issue:** At the City Council meeting of August 15, 2005, the City Council approved Resolution No. 2005-52. This action declared the City's intention to levy an assessment for the Huntington Beach Auto Dealers Business Improvement District for 2005-2006 and authorized the City Clerk to schedule a public hearing to be held on September 6, 2005. Copies of the Resolution, BID Boundary Map and assessment formula were sent to each business to be assessed. In follow-up to this action, the City Council must now hold a public hearing and pass a resolution approving an annual assessment for the 2005-2006 fiscal year.

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

**\*\*PowerPoint presentation titled *Huntington Beach Auto Dealers Business Improvement District (BID) Annual Renewal for FY 2005-2006 September 6, 2005* is included in the agenda packet.**

**Recommended Action:** Motion to:

1. Conduct Public Hearing

**and**

2. Adopt City Council **Resolution No. 2005-61** – “A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2005-2006.”  
**Public Hearing continued to 9/19/05 meeting. Approved 7-0**

**D- 4a. (City Council) Part 1 of 2 Parts of Public Hearing: Certify Recirculated Environmental Impact Report (REIR) No. 00-02 for Seawater Desalination Project (Poseidon) - Approve Resolution No. 2005-62. For Part 2 – See Agenda Item D-4b. to Follow. (520.70)**

Communication from the Acting Director of Planning.

**Applicant:** Poseidon Resources Corporation

**Request:** To analyze the potential environmental impacts associated with the implementation of a proposed 50 million gallons per day seawater desalination project.

**Location:** 21730 Newland (east side, south of Edison Avenue)

**Project Planner:** Ricky Ramos, Associate Planner

**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 September 1, 2005.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk

**NOTICE IS HEREBY GIVEN** that Recirculated Environmental Impact Report No. 00-02 for Conditional Use Permit No. 02-04/Coastal Development Permit No. 02-05 (Seawater Desalination Project) was processed and completed in accordance with the California Environmental Quality Act. It was determined that Conditional Use Permit No. 02-04/Coastal Development Permit No. 02-05 (Seawater Desalination Project) would have a significant environmental effect and, therefore, an environmental impact report is warranted. The Recirculated Environmental Impact Report 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.

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

**Recommended Action:**

**STAFF RECOMMENDATION** - Motion to: Certify REIR No. 00-02 as adequate and complete in accordance with CEQA requirements by approving **Resolution No. 2005-62** "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Environmental Impact Report No. 00-02 (SCH#2001051092) for the Poseidon Seawater Desalination Project."

**Associate Planner Ricky Ramos gave PowerPoint report. Council inquiries made re: REIR. Planner Ramos then gave PowerPoint report on CUP/CDP (item D-4b). Open public hearing, City Clerk restated Late Communications, 3 speakers on behalf of the Applicant, further Council inquiries made. 78 public speakers as follows:**

**Speaker referred to communication he had previously distributed to Council. He spoke of dam & water tours, water treatment plants, and projected the 20-year need for water sources. Suggested C.U.P. be discussed at a later date.**

**Speaker stated findings and recommendations made by task force in opposition to proposed Poseidon plant. She voiced disadvantages of project, and asked Council not to certify E.I.R.**

**Downtown Huntington Beach restaurant owner spoke in favor of project and increased water supply. Also announced 9/11 all day fundraiser – noon – 9pm, funds to be given to the Red Cross, sponsorship of hurricane effected family.**

**Speaker on behalf of professor for environmental health spoke in opposition to plant, citing environmental concerns. She asked Council to find the E.I.R. inadequate as some experts have.**

**32-year South Huntington Beach resident voiced concerns for quality of life in his neighborhood. Gave examples of other areas of the City that were redeveloped to the benefit of property values.**

**Speaker read letter on behalf of Congressman Dana Rohrbacher. The letter stated support for the project as an additional water source for Huntington Beach. Urged Council to certify E.I.R.**

**Speaker in favor of project citing needs for water and tax dollars. Referred to water district finding that water needs will exceed demands by 2025 and proposed site is ideal.**

***Speaker in opposition to project asked Council to deny E.I.R. as inadequate. Referred to desalination task force members and their mission.***

***Speaker referred to over 4300 cards submitted to Council in opposition to the proposed project. She thanked volunteers, and discredited claims made by Poseidon.***

***Professor at California State University Long Beach presented four observations in rebuttal to the E.I.R.***

***Speaker voiced support for desalination project.***

***Attorney for Poseidon referred to his letter submitted to Council and stated his availability for questions. Encouraged Council to follow staff recommendation and certify E.I.R.***

***Building & Construction trade union attorney in support of E.I.R and C.U.P. stated project is good for the community, will create jobs and help ease drought. Refuted negative impacts on marine life.***

***Southeast Huntington Beach resident spoke in support of project. Stated 68% of residents in 92646 support the project. She cited benefits of the project, and over 3000 cards in support. Urged Council to approve in order to fund needed local improvements.***

***Local surfer since 1959 spoke in support of the project and spoke regarding project labor agreements (PLAs). Asked Council to work on water shortage today.***

***Water quality consultant for public and private agencies spoke about studies that support claim that AES is not contributing to local water quality issues. Asked council to Certify E.I.R.***

***President of National Association of Women Business Owners, Orange County Chapter spoke in favor of project as a solution to water supply concerns. Asked Council to support.***

***39-year resident spoke in support of project. Asked Council to get started now in planning for future needs of citizens.***

***Representative for Orange County Association of Realtors spoke in support of project. Asked Council to consider issue long term and to approve the project tonight.***

***Environmentalist and marine biologist spoke regarding studies he had made of the issues and conclusion that desalination plant works well with an energy plant. Stated support for project.***

***Physical oceanographer spoke regarding further studies made since the initial E.I.R. and summarized that minimal changes to the E.I.R. were necessary.***

***Huntington Beach Realtor in support of desalination plant urged Council to certify E.I.R. and approve C.U.P.***

***Speaker representing firm that conducted intake studies addressed comments made about AES study, impingement concerns, and stated support for project.***

**Councilmember Cook inquired if previous speaker read the AES study submitted to the CEC. Asked if it was final. Speaker stated that study was not final.**

**Councilmember Green inquired if impingement or entrainment was at 100%? Speaker responded – Zero impingement, 95% entrainment.**

**Drinking water quality consultant spoke regarding water supply reliability and the contribution of desalination projects as well as water quality of water produced by desalination plant.**

**Councilmember Cook spoke regarding Yuma, Arizona facility that discontinued operation due to expenses. Speaker responded, stating that water supplied by that facility not configured for Southern California.**

**Councilmember Green inquired about being two winters away from water rationing. Speaker responded. Councilmember Green also inquired about desalination plant subsidies.**

**Councilmember Cook stated that subsidies only available to public agencies.**

**35-year resident spoke in support of project and benefits to Huntington Beach also stated disadvantages to Huntington Beach if project not approved.**

**Former Mayor and Councilmember stated support for desalination as a means to supply needed water.**

**Orange County Association of Realtors representative spoke in support of project and assistance to rest of the county.**

**President of Orange County Taxpayers Association voiced reasons why project is a good idea for Huntington Beach.**

**Councilmember Cook asked previous speaker if association supports subsidies. Speaker responded in general he does not.**

**Speaker thanked Councilmembers for their efforts. Asked Council to think of children and seniors that will benefit from project. Also cited benefits from increased tax dollars. Encouraged support.**

**Huntington Beach Chamber of Commerce Representative and 92646 Zip Code resident stated support for project citing future water supply concerns, tax revenue benefits, minimal environmental impact. Urged Council to approve project.**

**Councilmember Cook clarified there are currently no written agreements that will increase revenues to the City, and any funds must be used in the redevelopment area.**

**Mayor Hardy inquired who would assess tax base for plant? Both staff and Applicant reported, and submitted written information to Council.**

***Business Representative for Plumber and Steamfitters spoke in favor of project on behalf of union members. Thanked Council for efforts. Also spoke regarding Project Labor Agreements (PLAs).***

***Resident since 1970 in 92646 Zip Code spoke in opposition to proposed plant. Also stated opposition to AES plant, environmental concerns, and cautioned Council to obtain adequate bonds to cover any damage. Finally, asked how he can obtain campaign contribution information.***

***Speaker in support of project gave reasons why it would benefit the City and its citizens, urged Council to approve the item.***

***Speaker spoke in favor of project and referred to rebuttal study submitted to DWP. Stated concern if AES goes out of business.***

***Speaker in opposition to project stressed alternatives and cited concerns with Tampa Bay project. Alleged large desalination plants are not economically viable. Speaking on behalf of California Earth Corp. Stated opinion that E.I.R. is inadequate.***

***Resident in opposition to project cited Environmental concerns and asked Council to carefully consider speakers motives. Also stated concerns of turbine engines and with financials.***

***Resident since 1978 stated dissatisfaction with Poseidon presentation and reasons for opposing project including existence of conservation alternatives.***

***Resident of 92646 Zip Code stated opposition to project and refuted claims that assert dollars to be provided to city via increased tax dollars.***

***Speaker voiced opposition to project stating concerns with E.I.R., pipeline project, Ascon-Nesi cleanup and traffic impacts.***

***Motion made, due to the hour of the evening, to continue with public hearing. Approved 7-0***

***General Manager of AES power plant and resident spoke regarding AES operations, entrainment and impingement impacts, and other issues raised by opponents.***

***Southeast Huntington Beach resident spoke in opposition to project citing tourism concerns and spoke in favor of adding commercial rather than industry to south east Huntington Beach. Asked Council to deny E.I.R.***

***Resident since 1969 refuted claims made on T-shirts worn by other meeting attendees, specifically regarding tax funds.***

***Speaker in opposition to project gave a PowerPoint report enumerating obstacles and impacts. Cited 3 obstacles: pipeline proximity to Ascon-Nesi site, drainage channel, and sewer pipeline.***

***Speaker in opposition to project gave specific examples of concerns relative to the obstacles addressed by the prior speaker.***

**Huntington Beach resident read letter from Tampa Bay resident. The letter cited concerns with Florida project and advised Huntington Beach vote "NO" on project. Asked Council to do due diligence with bonds.**

**Speaker in opposition to project stated environmental concerns and perceived lack of benefits to the City. Asked Council to deny E.I.R.**

**South Huntington Beach resident spoke regarding Guantanamo Bay desalination plant success from her experience living there. Spoke in support of project.**

**36-year 92646 Zip Code resident spoke regarding fiduciary responsibility councilmembers have to citizens to fully investigate Poseidon and stated opposition to Poseidon.**

**32-year resident voiced concerns with Poseidon's project history and opposition to project.**

**22-year resident spoke in opposition to project, questioned validity of Poseidon's survey, and stated concerns about methane and other chemicals.**

**Speaker in opposition to Poseidon cited examples of failed projects and alleged its record of performance is questionable.**

**Resident since 1975 referred to letter from Mr. Luster downloaded from opposition website. Alleged statements made in letter are incorrect or misleading.**

**Speaker on behalf of Women for Orange County stated opposition to project and support for greater conservation. Urged Council to vote "No."**

**Orange County chapter of Reclaimdemocracy.org stated concern with private access to public trust such as water.**

**Southern California Regional Manager of the Surfrider Foundation spoke in opposition to project stating that E.I.R. is flawed. Concerned with mortality of Marine Life.**

**Speaker urged "NO" vote on project citing energy concerns, noise concerns from turbine pumps, funding concerns, and improvement potential in the area of conservation.**

**30-year resident spoke in opposition to project stating concerns with impact on beaches, pollution, and Tampa Bay plant.**

**Speaker urged Council to find Poseidon E.I.R. insufficient. Referred to comments on postcards with majority citing inadequacies.**

**Speaker in support of project stated he is a longtime environmentalist. Voiced his support of desalination project as being less destructive as some other options.**

**Councilmember Cook spoke regarding Desalination Task Force and reclaimed water, and of emergency needs.**

**Former Water Board Member in Ojai spoke in opposition to project citing plant failures and lack of water shortage. Asked Council to consider conservation.**

***Speaker affiliated with statewide desalination response group stated opposition to project and concerns with energy usage, marine life mortality, and expenses.***

***Speaker with Heal the Bay asked Council to deny the R.E.I.R. based on inadequacies including what she referred to as flawed biological studies. Encouraged Council to deny.***

***38-year 92646 Zip Code resident supports desalination, however stated it must be public rather than private.***

***Former Planning Commission Chair spoke in opposition to proposed plant stating that important information was withheld from planning staff in the past. Asked Council to deny project.***

***Speaker in opposition to project spoke about synergy among other things.***

***Speaker in support of project asked Council to look beyond 20-25 years for water resources. Also stated does not support a public plant.***

***Speaker in opposition to project cited gridlock concerns.***

***Speaker read letter in opposition to plant stating the lack of water shortage, among other concerns such as urban runoff issues. Urged Council to vote against.***

***Speaker in opposition to project gave PowerPoint Report citing deficiencies in E.I.R., entrainment and impingement concerns.***

***Southeast Huntington Beach resident spoke in support of project citing disaster concerns and potential need for water. He urged Council to act and support project.***

***Speaker in favor of project asked Council to welcome Poseidon and approve desalination project. He stated benefits including no cost to the taxpayer. Also referred to industrial zoning of area. Finally, referred to water supply as public safety issue.***

***92646 Zip Code resident in opposition to project cited concerns with impact of AES Plant on environment. Stated E.I.R. is inadequate and referred to brief submitted to C.I.C., which she stated she would submit to Council.***

***Environmental Biologist stated concerns with filtering systems at desalination plants and with salinity. Also stated concerns with "modeling." Stated technology is not quite ready.***

***UCLA student in Environmental Engineering urged Council to oppose desalination plant. Stated other solutions are more cost effective, and concerns with bacterial issues resulting from AES Plant.***

***Labor organizer spoke in opposition to project, asking individuals to think long term about environmental effects. Urged Council to deny project.***

***32-year resident spoke in opposition to project stating a negative impact on City and citizens.***

***Speaker in opposition to project gave PowerPoint report.***

*Applicants representing Poseidon responded to councilmembers' comments.*

*Speaker on behalf of Huntington Beach Tomorrow in opposition to project cited inadequacies of E.I.R. and pipeline construction concerns among her reasons.*

*Public hearing closed. Extensive council discussion, councilmembers stated reasons for support or opposition to project. Motion to deny certification of REIR – FAILED 3-4 (Hansen, Coerper, Green, Bohr – No) Motion to certify REIR – Approved 4-3 (Sullivan, Hardy, Cook – No). Motion to give direction to staff to report back 10/17/05 on benefits to City, re-evaluate the Statement of Overriding Considerations, report on pipeline concerns, and continue CUP/CDP/CEQA/MMRP – Approved 6-1 (Cook-No)*

**D-4b. (City Council) Part 2 of 2 Parts of Public Hearing: Approve Conditional Use Permit (CUP) No. 02-04 and Coastal Development Permit (CDP) 02-05 for Seawater Desalination Project (Poseidon) Forwarded by the Planning Commission. Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations. Approve the Mitigation Monitoring and Reporting Program. For Part 1 – See Preceding Agenda Item D-4a. (520.70)**

Communication from the Acting Director of Planning.

**Applicant:** Poseidon Resources Corporation

**Request:** To construct a 50 million gallons per day seawater desalination project including a 10,120 sq. ft. administration building, a 38,090 sq. ft. reverse osmosis building, a 36,305 sq. ft. product water storage tank, and miscellaneous accessory structures on an 11-acre lease area. The proposed improvements include up to four miles of water transmission lines in Huntington Beach, one mile of which will be within the Coastal Zone, to connect to an existing regional transmission system in Costa Mesa. The project also includes perimeter landscaping and fencing along Newland Street and Edison Avenue.

**Location:** 21730 Newland (east side, south of Edison Avenue)

**Project Planner:** Ricky Ramos, Associate Planner

**NOTICE IS HEREBY GIVEN** that Conditional Use Permit No. 02-04/Coastal Development Permit No. 02-05 (Seawater Desalination Project) is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-05 filed on January 22, 2002, in conjunction with the above request.

**NOTICE IS HEREBY GIVEN** that the Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. The City Council's action on Conditional Use Permit No. 02-04/Coastal Development Permit No. 02-05 (Seawater Desalination Project) may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The Coastal Commission address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

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

**Recommended Action:****STAFF RECOMMENDATION** - Motion to:

1. Approve Conditional Use Permit No. 02-04 and Coastal Development Permit No 02-05 to permit the Seawater Desalination Project with staff recommended findings and conditional of approval (Attachment No. 1.)
2. Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 7.)
3. Approve the Mitigation Monitoring and Reporting Program (Attachment No. 8.)

***Item continued to 10/17/05 meeting (see D-4a for motion).***

**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 July 18 and August 1, 2005 and City Council/Redevelopment Agency Special Meeting of August 8, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

***Approved 5-0-2 (Hardy, Cook abstain on 8/1/05 minutes)***

**E-2. (City Council) Accept Resignation of Corinne Welch and Approve the Appointment of Mary Urashima to the Human Relations Task Force with a Term to Expire December 31, 2005** (110.20) – Accept the resignation of **Corinne Welch** and approve the appointment of **Mary Urashima** to the Human Relations Task Force with a term to expire December 31 2005 as recommended by City Councilmembers Debbie Cook and Gil Coerper. Submitted by Human Relations Task Force Council Liaisons Councilmember Debbie Cook and Councilmember Gil Coerper. Funding Source: Not applicable.

***Approved 7-0***

**E-3. (City Council) Approve Agreement between the City and the County of Orange for Animal Care Services for Fiscal Year 2005-2006** (600.25) – **1.** Approve and authorize the Mayor and City Clerk to execute the contract between the City of Huntington Beach and the County of Orange for the provision of animal care services; and **2.** Authorize the Chief of Police to expend up to \$413,893 annually for animal care services. Submitted by the Chief of Police. Funding Source: The total contract amount of \$413,893 is budgeted in the 2005-2006 Police Department General Fund budget, Business Unit 10070102, object 69505. No additional appropriations are necessary.

***Approved 7-0***

**E-4. (City Council) Approve Map Check Agreement with Orange County (600.25)**

Approve and authorize the Mayor and City Clerk to execute the Map Check Agreement between the City of Huntington Beach and the County of Orange. Submitted by the Public Works Director. Funding Source: Not required. Fees would be collected by the County.

**Approved 7-0**

**E-5. (City Council) Adopt Memorandum of Agreement between the State of California Department of Health Services (CDHS) and the City for Chempack Containers and Authorize the Creation of a Revenue/Expenditure Account for all the Necessary Retrofitting of a City Fire Station to Facilitate Acceptance of the Containers. (600.20)**

1. Accept the Memorandum of Agreement between the CDHS and the City of Huntington Beach for the acceptance of the CHEMPACKS, and 2. Authorize the Fire Chief to expend funds to cover the retrofitting of a City fire station at a cost not to exceed \$12,000, and 3. Approve the appropriation of \$12,000, from the unreserved, undesignated General Fund Balance, to be reimbursed by the CDHS. Submitted by the Fire Chief. Funding Source: If approved, funds, estimated up to \$12,000, will be appropriated from the unreserved, undesignated General Fund Balance, but will be fully reimbursed from the CDHS. No other matching or in-kind City funds are required to accept the CHEMPACKS.

**Approved 7-0**

**E-6. (City Council) Approve Amendment No. 1 to Agreement between the City and EIP Associates for Professional Planning Services for Preparation of an Environmental Impact Report (EIR) for The Strand (Located at blocks 104 and 105 Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the Alley Between Fifth Street and Main Street.) (600.10) – 1. Approve and Authorize the Mayor and City Clerk to execute Amendment No. 1 to the agreement between the City of Huntington Beach and EIP Associates for Professional Services Contract in the amount of \$14,928 for the preparation of Environmental Impact Report (EIR) No. 01-02 for The Strand; and 2. Authorize the Director of Administrative Services to appropriate \$14,928 from the City's General Fund Balance to the Planning Department's Contractual Services Account number 10060201.69365; and 3. Authorize the Director of Planning to expend \$14,928 for environmental consulting services related to Environmental Impact Report No. 01-02, pursuant to the Contract with EIP Associates. Submitted by the Acting Planning Director. Funding Source: The funding source will be Fourteen Thousand Nine Hundred Twenty-Eight (\$14,928.00) Dollars deposited with the City by the CIM Group pursuant to the approved Reimbursement Agreement. The City has already received the funds from CIM Group.**

1. Approve and Authorize the Mayor and City Clerk to execute Amendment No. 1 to the agreement between the City of Huntington Beach and EIP Associates for Professional Services Contract in the amount of \$14,928 for the preparation of Environmental Impact Report (EIR) No. 01-02 for The Strand; and 2. Authorize the Director of Administrative Services to appropriate \$14,928 from the City's General Fund Balance to the Planning Department's Contractual Services Account number 10060201.69365; and 3. Authorize the Director of Planning to expend \$14,928 for environmental consulting services related to Environmental Impact Report No. 01-02, pursuant to the Contract with EIP Associates. Submitted by the Acting Planning Director. Funding Source: The funding source will be Fourteen Thousand Nine Hundred Twenty-Eight (\$14,928.00) Dollars deposited with the City by the CIM Group pursuant to the approved Reimbursement Agreement. The City has already received the funds from CIM Group.

**Approved 7-0**

**E-7. (City Council) Accept Annual Review of the Flood Management Plan (FMP) and Authorize Submittal to the Federal Emergency Management Agency (FEMA) (550.50)**

Accept the annual review of the Flood Management Plan as adequate and complete and forward it to FEMA. Submitted by the Acting Planning Director. Funding Source: Not applicable.

**Approved 7-0**

**E-8. (City Council) Review and Approve Memorandum of Understanding (MOU) with the Orange County Auto Theft Task Force (O.C.A.T.T.) effective January 1, 2005 until January 1, 2010. (600.25) Approve the Memorandum of Understanding (MOU) and authorize the Chief of Police to sign the new agreement. Submitted by the Police Chief. Funding Source: Not applicable.**

Approve the Memorandum of Understanding (MOU) and authorize the Chief of Police to sign the new agreement. Submitted by the Police Chief. Funding Source: Not applicable.

**Approved 7-0**

**E-9. (City Council) Adopt Resolution No. 2005-59 Declaring a Surplus of Funds from Assessment District No. 88-1 (Reservoir Hill) and Ordering the Disposition of said funds.** (350.30) **1.** Motion to Adopt **Resolution No. 2005-59**, “A Resolution of the City Council of The City of Huntington Beach Declaring A Surplus of Funds From Assessment District No. 88-1 (Reservoir Hill) and Ordering the Disposition of Said Funds;” and **2.** Appropriate remaining Unappropriated Fund Balance in the amount of approximately \$62,500 from the Reservoir Hill Debt Service Fund as a transfer to the City’s General Fund. Submitted by the Finance Officer. Funding Source: Unappropriated Fund Balance, Reservoir Hill Debt Service Fund (Fiscal Impact Statement Attachment 2.)

**Councilmember Cook abstained due to potential conflict of interest. Recommended motion amended to appropriate surplus funds to Infrastructure Fund. Approved 6-0-1 (Cook abstain)**

**E-10. (City Council) Approve Planting Maintenance Agreement with the State Department of Transportation (Caltrans) for the Beach Boulevard Parkway Landscape Enhancement Project, CC-1229 (East side of Beach Boulevard between Taylor Drive and Sterling Avenue.)** (600.20) Authorize the Mayor and City Clerk to execute the State Highway Planting Maintenance Agreement in the City of Huntington Beach. Submitted by the Public Works Director. Funding Source: Landscape maintenance is budgeted in the General Fund, Landscape Maintenance Business Unit 10085602. Costs to maintain the frontage does not substantively increase the citywide budget.

**Approved 7-0**

**E-11. (City Council) Adopt Resolution No. 2005-63 Relating to Fees for Parking Pass at the Huntington Central Park Sports Complex – Amends Citywide User Schedule Resolution No. 2003-65 (Supplemental Fee No. 3)** (340.20) – Adopt **Resolution No. 2005-63** Amending Resolution No. 2003-65 Entitled, “A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 2003-65 Entitled, A Resolution of the City Council of the City of Huntington Beach Establishing a Citywide User Schedule for Charges for Facility Rentals and Recreation Services.” (Supplemental Fee Resolution No. 3) Relating to Fees for a Parking Pass for Parking at the Huntington Central Park Sports Complex. Submitted by the Community Services Director. Funding Source: Not applicable.

**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 Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue:** Approve a City Council position on legislation pending before the federal, state or regional governments as recommend by the City Council Intergovernmental Relations Committee, and authorize the Mayor to communicate the city's position to the elected members of the state or federal legislators, governmental task force, or regional body.

**Funding Source:** N/A

**Recommended Action:**

Motion to:

1. **OPPOSE - S 1349 (Smith), HR 3146 (Blackburn), and S 1504 (Ensign)** - All of which would limit or prohibit a local government's ability to require a franchise fee for use of its right-of-way for telecommunications purposes.
2. **SUPPORT - The League of California Cities' Communications Principles as adopted by the League Board 07/05**
3. **SUPPORT AB 1333 (Frommer)** - Grease Waste Haulers as amended 08/15/05
4. **SUPPORT AB 1065 (Matthews)** - Kitchen Grease - Transporters as amended 06/23/05  
*Approved 6-0-1 (Cook out of room)*

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

**G-1a. (City Council) Adopt Ordinance No. 3721 Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park (500.10) - Ordinance No. 3721 - "An Ordinance of the City of Huntington Beach Amending Chapter 13.48 of the Huntington Beach Municipal Code Relating to Animals in the Park."** (Approved for introduction August 15, 2005.)

**Recommended Action:** After City Clerk reads by title, adopt **Ordinance No. 3721**, by roll call vote.

*Adopted 7-0*

**G-2. Ordinances for Introduction**

**G-2a. (City Council) Approve for Introduction Ordinance No. 3722 Deleting Chapter 2.12 of the Huntington Beach Municipal Code with Reference to the Department of Administrative Services (700.10) – Ordinance No. 3722 – "An Ordinance of the City of Huntington Beach Deleting Chapter 2.12 of the Huntington Beach Municipal Code Relating to Administrative Services Department."**

**Recommended Action:** After City Clerk reads by title, approve introduction of **Ordinance No. 3722**, by roll call vote.

*Approved for Introduction 7-0*

**H. City Council/Redevelopment Agency Items****H-1a. Submitted by Mayor Hardy**

**(City Council) Interior Property Lines and Lattice Fence Extensions with Neighborhood Notification (120.90)**

Communication from Mayor Jill Hardy transmitting the following

**Statement of Issue:**

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. The City has recently adopted a series of amendments to the Huntington Beach Zoning and Subdivision Ordinance, commonly referred to as Permit Streamlining Phase II. In the process, Section 230.88, subsection A. Permitted Fences and Walls was amended to include an exception to permit two-foot lattice extensions to the top of a six-foot high fence on an interior property line. The exception allows the extension without building permits but requires Neighborhood Notification pursuant to Chapter 241. The notification process involves the noticing of all property owners and tenants within a 300 ft. radius of the subject property.

In the implementation of the recently adopted ordinance, it has been brought to my attention that the costs for the noticing requirements exceed the costs for the proposed improvements. In addition, the 300 ft. notification radius seems extreme when the issue is only between two properties that share an interior property line.

Therefore, I propose the City Council consider an amendment to these provisions and eliminate the Neighborhood Notification requirement for these types of fence improvements. I propose the notification process only involve those properties that abut the interior property line that propose the fence extension.

**Recommended Action:**

Direct the Planning staff to prepare the appropriate zoning text amendments to eliminate the Neighborhood Notification requirement for these types of fence improvements and only notify those properties that abut the interior property line.

***Approved 6-0-1 (Green abstain)***

**H-1b. Submitted by Mayor Hardy****(City Council) Proposed Amendment to Specific Plans (120.90)**

Communication from Mayor Jill Hardy transmitting the following

**STATEMENT OF ISSUE:**

Currently, certain Specific Plans permit modifications and review of development projects as follows:

**A.** A minor modification to the Specific Plan is a simple amendment to the exhibits and/or text that does not change the meaning or intent of the Specific Plan. The Planning Director may accomplish this administratively with a report to the Planning Commission.

**B.** A major modification to the Specific Plan is an amendment to the exhibits and/or text intended to change the meaning or intent of the Specific Plan Development Concept, Design Guidelines, or Development Regulations. This requires a Zoning Text Amendment and action by the Planning Commission and City Council.

**C.** All new development projects within the Specific Plan are implemented through a Site Plan Review process. A Site Plan Review can be administratively approved, conditionally approved, or denied by the Planning Director based upon findings described in the Specific Plan. Such findings include project consistency with the city's General Plan and Municipal Codes, compatibility with surrounding area, consistency with the Circulation Plan, and compliance with the provisions of the

Specific Plan and other applicable regulations or special conditions required of the project. Action by the Planning Director shall be final unless appealed to the Planning Commission by the applicant within 10 calendar days.

In order for the City Council to be more involved in the implementation of this Specific Plan and have more control over the review of development projects within this Specific Plan, as well as other Specific Plans that contain similar language, I am recommending that the City Council consider the following motions:

**RECOMMENDED ACTION:**

Direct staff to initiate a Zoning Text Amendment to change any Specific Plan that does not allow appeal of the Planning Director's or Zoning Administrator's approval to require (A) and (C) above to include a report to the City Council of the Planning Director's decision, and to permit ~~any person~~ **the City Councilmembers** to appeal the Planning Director's decision to the ~~Planning Commission~~ **City Council** within 10 calendar days.

**Amendments suggested by councilmembers. Motion to approve recommended action as amended above. Approved 6-1 (Hansen – No)**

**H-2a. Submitted by Councilmember Cook**

**(City Council) Verizon Work on Private Streets (120.90)**

Communication from Councilmember Cook transmitting the following  
**Statement of Issue:**

Verizon's "Fiber to the Premises" (FTTP) project involves street work throughout most of Huntington Beach. Verizon is required to obtain a Utility Encroachment Permit from the Public Works Department for inspection of work within the public right-of-way. The construction work affecting street pavement and concrete sidewalk areas consists of boring and open cut trenching to install conduits through which the fiber optic cables will be pulled.

The Public Works Department has the ability to require street restoration and concrete replacement in the public right-of-way. On private streets, areas covered by homeowners associations (HOA), Verizon may request access to these areas directly through the HOA with no Public Works encroachment permit required. Most HOAs do not have the expertise to condition and inspect the work of Verizon's subcontractors.

It is important that these HOAs be provided the opportunity to retain professional assistance to properly oversee the work on their private streets and sidewalks. This assistance could be made available by private consulting inspection firms or through the city's Public Works Department.

**Recommended Action:**

1. Direct staff to develop a communication tool that provides HOAs the adopted standards for restoration of infrastructure so that each HOA may retain its own consulting inspection; and/or
2. Direct staff to develop a "template" agreement in coordination with the City Attorney's office that allows HOAs to compensate the city for inspection services. Include in the agreement the necessary releases of liability.

Each of these approaches would allow the HOAs to charge Verizon for the right to work on the private streets to offset the cost of inspection.

**Continued to 9/19/05 meeting.**

**Council/Agency Adjournment at 3:50 a.m. Wednesday, 9/7** to an Adjourned Regular Meeting **Monday, September 12, 2005, at 6:00 p.m.**, in Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

The next regularly scheduled Council meeting is **Monday, September 19, 2005**, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

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

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