

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

TUESDAY, SEPTEMBER 7, 2004

****Revised Page 3 and Page 7****

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
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.)

City Clerk Joan L. Flynn announced 2 slides replacing SS.7 and SS.8 for the study session from Community Services.

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

Speaker gave kudos to Fourth of July Board and stated fireworks on the beach should happen each year. His suggestion was to mount the fireworks on trailers on the Pier to keep Ruby's Diner open for as long as possible. He suggested the city adopt Rosebowl standards of occupying space instead of staking out space.

**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) Joint Study Session of the City Council and the Community Services Department's Fourth of July Executive Board to Discuss Issues Re: 1) Executive Board Makeup; 2) Fireworks 2004 and 2005; and 3) Staking out Parade Route

(960.30)

A joint study session of the City Council and the Community Services Department's Fourth of July Executive Board will be held regarding the Executive Board makeup, fireworks and issues regarding staking out the parade route.

Roll Call of the Fourth of July Executive Board: Pat Stier, Chair; Michael Ali; Margie Bunten; Mary Ellen Cianciabella; Karen Pedersen; Carole Ann Wall (6 current members).

Present (Mary Ellen Cianciabella, absent)

**Communication from Laurie Payne, Community Relations Officer to Community Services Director Jim Engle dated August 25, 2004 and titled *Summary Notes Regarding the Fourth of July* is included in the agenda packet.

**PowerPoint presentation titled *City Council/Fourth of July Executive Board* is included in the agenda packet.

Community Services Director Jim Engle walked Council through Power Point Presentation. This presentation centered on 1) Board Makeup 2) Proposed changed to Board and Partnership with City 3) Fireworks – Financials and Operational/Safety Evaluation. Director Engle said they would like to bring this issue to Council for consideration in October 2004 and said questions were given to them ahead of time.

Councilmember Cook asked if Council would have the reorganization of the Board prior to October so a decision can be made knowing who will be seated on the Board.

Pat Stier, Chair, gave an update.

Police Chief Kenneth Small spoke on the Power Point on “staking out” along the Parade Route.

Councilmember Coerper will bring an H item to Council on staking.

Councilmember Cook stated she would like to see board members chosen by staff rather than appointed by Council and move toward staff thoroughly investigating experience of the candidates.

Councilmember Coerper disagreed and would like to continue as the program is set up.

Staff will present both sides when they come back to Council, the second meeting in October.

Revised – Added Closed Session Item**Call Closed Session of City Council/Redevelopment Agency**

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

Approved 6 - 0

(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 P. 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)

(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 **Southern California Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 03CC02021. Subject: **Southern California Water Company v. City of Huntington Beach, et al.** (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 **Opp v. City of Huntington Beach, et al.**; Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 [Opp I]; **and Opp v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 748927, Court of Appeals Case No. G030601 [Opp II]. Subject: **Opp v. City of Huntington Beach, et al. [Opp I and Opp II].** (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 **City of Huntington Beach v. Huntington Beach Police Officers' Association**; United States District Court Case No. SA 01-1125 JVS; and Scottsdale Insurance Company v. Huntington Beach Police Officers Association, and the related counterclaim, **American States Insurance v. City of Huntington Beach**, United States District Court Case No. SA 03-1143 JVS. Subject: **City of Huntington Beach v. HBPOA (Gun Range), and related cases.** (120.80)

(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 **State of California ex rel. Nora Armenta v. James Jones Company, et al.**; Los Angeles Superior Court Case No. BC 173487; and **Potential Related Action, City of Huntington Beach v. James Jones.** **-AND-** 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: **State of California ex rel. Nora Armenta v. James Jones Co., et al.; and Potential Related Action, City of Huntington Beach v. James Jones.** (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
Present

Pledge of Allegiance/Flag Salute – Led by Mayor 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 – *Father Christian Mondor, Sts. Simon and 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.)

Study Session, D-1, D-2, D-3, F-1, H-1a

Presentation - Mayor Cathy Green to call on Rita Johnson from American Legion Auxiliary Unit 133 to introduce Nina Ho, who was selected to participate in the Girls Nation Program. (160.40)

Presentation - Mayor Cathy Green to call on Councilmember Gil Coerper to accept recognition award for the City for adopting a "No Smoking" on the Beach ordinance. The presentation will be made by Jim Walker, Executive Director for Stop Tobacco Abuse of Minors Pronto (STAMP); Stephanie Barger, Executive Director for the Earth Resource Foundation; and Herm Perlmutter, Program Supervisor for the Orange County Health Care Agency Tobacco Use Prevention Program. (160.40)

Presentation - Mayor Cathy Green to call on Fire Chief Duane Olson and Public Works Director Robert Beardsley. Chief Olson will introduce John Coleman, Manager of Community Mitigations Services for the Insurance Services Offices (ISO). The City has received the ISO's highest Fire Suppression Rating based on its evaluation of three major features: fire alarms and communication systems, the Fire Department, and the city water supply systems. The plaque Mr. Coleman is presenting commemorates the achievement of a Class 1 Fire Suppression rating. Only 42 Fire Departments nationwide have earned this distinction. (160.40)

Presentation - Mayor Cathy Green to call on Art Center Director Kate Hoffman who will introduce the Art Center Foundation Co-Chairs Jerry Chapman and Diana Casey. The Art Center Foundation will present a check for \$45,000 to the City's Art Center. (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 regarding Crystal Island stating that there is an agreement with the school district. The speaker alleged an illegal permit issued to the developer by the City.

Speaker on behalf of Surf Rider and Orange County Coastkeepers spoke in support of F-1, the resolution re: Marine Life and Protection Act for the eco-system

Speakers in support of agenda item F-1 regarding the Orange County Sanitation District and Senator Feinstein's support for the Cogged Stone site.

Speaker in opposition to a cost indicator for the mobile home ordinance to be placed in the Municipal Code.

Speaker spoke regarding Agenda Item F-2 in support of Planning Commission Recommendations. Speaker, as a Planning Commissioner explained the process.

Speakers in support of fair and equitable market value for the mobile homes should they be sold.

Councilmember Cook corrected a speaker who believed that there has been a 3-3 vote re the proposed mobile home ordinance.

Speaker alleged an existing conflict of interest for Council to vote on mobile home ordinance; that the City owns a park, Ocean View Estates.

Councilmember Cook spoke regarding the reason why the Council has the proposed ordinance on the agenda.

Many speakers in support of agenda item H-1a, the proposed mobile home conversion ordinance.

Mayor Green asked for clarification from the last Speaker regarding the Huntington-by-the-Sea lease. She received the response that the park is not extending beyond 2015, the lease held by the residents.

Speaker informed Council that mobile homes have incorrectly been assessed as "trailers." Speaker stated homes are valued upwards of \$100,000. and are manufactured homes.

Speakers requested that the mobile home conversion ordinance be moved forward on the agenda.

Councilmember Boardman responded in the affirmative, stating it was her plan to do so.

Speaker spoke regarding Smoke-free beaches and commended Councilmember Coerper for the ordinance. Spoke re: September 18, 2004 Intercoastal Clean-up Day for which there are 18 sites throughout the City. Speaker also spoke in support of agenda item F-1, the Marine Protection Act, number 1 and the Cogged Stone Site, number 5.

Speaker in opposition to the proposed mobile home conversion ordinance, as a representative of the Manufactured Homes Educational Trust (MHET). Speaker alleged that the ordinance is unfair and needs to be modified.

Councilmember Boardman cited the law re: relocation in rebuttal to the previous speaker's comments.

Speaker stated in support of "in place" value for mobile homes. Speaker spoke regarding having heard of threats against Council members.

Councilmember Sullivan asked the previous speaker, as a representative of the local and the state mobile home associations, what the chances are of another park picking up relocated homes. The speaker responded chances are nil.

Speaker, as Council candidate and State Assemblyman candidate recommended either Grace Winchell or Ralph Bauer be appointed to replace Pam Houchen.

Speaker spoke in opposition to agenda items E-4, E-6 (addressing the Flood Management Plan), E-10, F-2, G-1, G-1b, and support for H-1a with a concern to protect park owners.

Speaker spoke regarding Public Hearing Item D-1 stating that the Clevely home is not in violation of the infill ordinance.

Motion approved 6 – 0 to move agenda item H-1a forward.

Mayor Green dedicated meeting to the memory of Evelyn Waters, CERT volunteer.

Revised – Added Item C-4a

C-1. Council Committee/Council Liaison Reports
None

C-2. City Administrator's Reports
None

C-4. City Attorney's Report

→ C-4a. (City Council) Report from City Attorney Jennifer McGrath Re: the Legal Requirements to Fill a Vacancy on the City Council (120.40)

Communication from the City Attorney transmitting the following **Statement of Issue:** City Councilmember Pam Houchen has submitted her written resignation, effective September 2, 2004. The following legal requirements apply to the appointment of a new City Councilmember.

Section 312 (a) of the City of Huntington Beach Charter states "*Vacancies. A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council.*" And Section 312 (c) of the City of Huntington Beach Charter states "*Replacement. In the event it shall fail to fill a vacancy by appointment within 60 days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term.*"

Based on the Charter, the City Council may appoint a person to serve the remainder of Ms. Houchen's unexpired term, which ends on December 7, 2004. Since Ms. Houchen's resignation is effective September 2, 2004, the Council has until November 1, 2004, to fill the vacancy by appointment. Coincidentally, the last regularly scheduled Council meeting prior to the expiration of the sixty-day period is November 1, 2004. If the Council does not make an appointment to the position by November 1, 2004, it must forthwith cause an election to be held to fill the vacancy. However, based on our initial review of state law, it appears that the earliest date for such an election would be March 8, 2005, well after the end of Ms. Houchen's unexpired term.

Please note that the Brown Act specifically requires that all discussion for the appointment of an elected official take place in open session. The exception that exists to allow closed session discussion of personnel matters does not apply to the appointment of an elected official. (Gov't Code Section 54957(b)(4).) The appointee's term will expire on December 7, 2004.

No action taken

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 Appeal Filed by Councilmember Debbie Cook of the Planning Commission's Approval of Conditional Use Permit No. 03-51, Alise Clevely, Applicant for a Third Story Addition - Clevely Residence Located at 9151 Bermuda Drive (n/s of Bermuda Drive and e/o Magnolia Street) (420.40)**
Public Hearing to consider Appeal of the Planning Commission's Approval of Conditional Use Permit No. 03-51 (Clevely Residence – Third Story Addition).

Applicant: Alise Clevely

Appellant: City Council Member Debbie Cook

Request: To permit the construction of a new 518 square foot third floor balcony in conjunction with the partial reconstruction and expansion of an existing two-story single-family dwelling. The dwelling will have an overall building height of 35 feet. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

Location: 9151 Bermuda Drive (north side of Bermuda Drive and east of Magnolia Street).

Environmental Status: Notice is hereby given that this agenda Item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the Planning Department, 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 City Hall or the Main City Library (7111 Talbert Avenue) after Wednesday, September 1, 2004.

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

Approve Conditional Use Permit No. 03-51 with Findings and Suggested Conditions of Approval (Attachment No 1).

Assistant Planner Rami Talleh presented the Power Point report.

City Clerk Joan L. Flynn restated for the record the Late Communication she had announced earlier.

Applicant, Alise Clevely provided public testimony outlining actions on the CUP for her home renovation. Ms. Clevely distributed a photograph of floor addition.

Four speakers in favor of the application and eleven speakers in opposition due to reasons given of the incompatibility of a 3-story home to a neighborhood of one-and two-story homes.

Council discussion ensued regarding the need to change the code citywide of allowing 3-story homes.

Discussion was held regarding the possibility of holding a building moratorium while Council decided on the three-story issue.

Motion to deny CUP 03-51 with Findings of Approval – No Action 3-3 (Boardman, Cook, Green – No)

Motion to direct Staff to return with a moratorium on 3-story housing to allow Council to study the code.

Approved as amended 6-0

- D-2. **(City Council) Public Hearing to Approve Modifications to the Local Coastal Program Amendment (LCPA) No. 1-03 Suggested by the California Coastal Commission by Adopting Resolution No. 2004-73 - Approve for Introduction Ordinance Nos. 3664, 3665 and 3666, Amending Huntington Beach Zoning and Subdivision Ordinance Sections 230, 231 and 254, Respectively** (420.85)
Public Hearing to consider Local Coastal Program Amendment No. 1-03.

Applicant: City of Huntington Beach

Request: 1.) To accept modifications to the Huntington Beach Zoning and Subdivision Ordinance approved by the California Coastal Commission on June 10, 2004 for LCPA No. 1-03; and 2.) To amend the Huntington Beach Zoning and Subdivision Ordinance to reflect the California Coastal Commission's modifications.

Location: Coastal Zone.

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the Planning Department, 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 City Hall or the Main City Library (7111 Talbert Avenue) after Wednesday, September 1, 2004.

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

- ~~1. Adopt **Resolution No. 2004-73** – "A Resolution of the City Council of the City of Huntington Beach, California, which Acknowledges Receipt of the Coastal Commission Action and Accepts and Agrees to Local Coastal Program Amendment No. 1-03 as Modified;"~~

and

- ~~2. After the City Clerk reads by title, approve for introduction the following ordinances incorporating the modifications suggested by the California Coastal Commission, by roll call vote:~~

~~**Ordinance No. 3664** – "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Wireless Communications Facilities;" and~~

~~**Ordinance No. 3665** – "An Ordinance of the City of Huntington Beach Amending Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Off-Street Parking and Loading Provisions;" and~~

~~**Ordinance No. 3666** – "An Ordinance of the City of Huntington Beach Amending Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance Relating to Parkland Dedications and Reservations."~~

City Clerk Joan L. Flynn restated for the record the Late Communication she had announced earlier.

**Motion to open and continue open to 9/20/04 to change to 2 resolutions.
Approved as amended 5-1 (Coerper out of room)**

D-3. (City Council) Open Public Hearing and Continue Open to September 20, 2004 to Consider Adoption of the Proposed City Budget for Fiscal Year 2004-05 (320.20)
Public hearing for the purpose of considering the City budget for Fiscal Year 2004/05.

The proposed budget for FY 2004/05 totals \$297,925,177 including General Fund Expenditures of \$148,432,357. The complete, proposed budget for FY 2004/05 may be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest St. and Talbert Ave.), and all branch libraries. Copies of the **Proposed Budget Message and Budget Summary** may be obtained by the public from the City's website at <http://www.surfcity-hb.org>.

All interested persons (especially senior citizens and handicapped individuals) are invited to attend the budget hearing to express their opinions for, or against, the proposed budget with written or oral comments. Written communications to the City Council also may be mailed to the City Clerk. Further information may be obtained from the Office of the City Clerk, 2000 Main Street Huntington Beach, CA. 92648 - Phone # (714) 536-5227.

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

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, **continue public hearing open to September 20, 2004**

Recommended Action: Motion to:

Open the public hearing on the proposed \$297,925,177.00 new appropriations for the fiscal year 2004/2005 city budget as outlined in the proposed budget document **and continue open until September 20, 2004.**

City Clerk Joan L. Flynn restated from the record the Late Communication she announced earlier as it pertains to this item.

Administrative Services Director Clay Martin presented the Power Point report included in the agenda packet.

Opened and continued open until September 20, 2004.

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 June 21, 2004, July 6, 2004, and July 19, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and adopted 5-1 (Cook out of room)
- E-2. (City Council) Waive Bid Requirements by Directing Staff to Prepare and Execute Amendment No. 2 to the Professional Services Contract between the City and Advocation, Inc. for Lobbying Services to Assist in the Acquisition of State Funding for Priority Projects Within the City and Related Legislative Issues** (600.10) **1.** Waive the requirement to go out to bid; and **2.** Approve extending the contract with Advocation for one additional year at the same rate as last year; and **3.** Authorize staff to prepare and execute contract Amendment #2 to the professional services contract, as approved by the City Attorney, between the City of Huntington Beach and Advocation, Inc. for the purpose of assisting the City in the acquisition of state funds for priority projects within the City and to advocate on our behalf on legislation that impacts the City. Submitted by Mayor Pro Tem Jill Hardy, Chair, on Behalf of Intergovernmental Relations Committee Members, Councilmembers Gil Coerper and Dave Sullivan. Funding Source: Funds for the Contract have been budgeted in the 2004-05 fiscal year budget under the General Fund Intergovernmental Relations Professional Services Account. The total cost for this contract amendment is not to exceed \$64,000.00 for the year.
Approved 5-1 (Cook out of room)
- E-3. (City Council) Waive Bid Requirements by Directing Staff to Prepare and Execute Amendment No. 2 to the Professional Services Contract between the City and the Ferguson Group, LLC to Assist the City in its Intergovernmental Affairs Program in the Acquisition of Federal Funding and Related Legislative Issues** (600.10) – **1.** Waive the requirement to go out to bid; and **2.** Approve extending the contract with The Ferguson Group with the same terms as previous years with an increase of 5% from \$76,000.00 to \$79,800.00; and **3.** Authorize staff to prepare and execute contract Amendment #2, as approved by the City Attorney, to the professional services contract between the City of Huntington Beach and the Ferguson Group for the purpose of assisting the City in the acquisition of Federal funds for priority projects within the City. Submitted by Mayor Pro Tem Jill Hardy, Chair, on Behalf of Intergovernmental Relations Committee Members, Councilmembers Gil Coerper and Dave Sullivan. Funding Source: Funds for the Contract have been budgeted in the 2004-05 fiscal year budget under the General Fund Intergovernmental Relations, Professional Services Account. The total cost for this contract amendment is not to exceed \$79,800.00 for the year.
Approved 5-1 (Cook out of room)

- E-4. (City Council) Approve Extension of the Professional Services Contract between the City and Moreland & Associates, Inc. to Assist in the Processing of Howard Jarvis Property Tax Refund Claims – Authorize Appropriation of Funds Not to Exceed \$350,000** (600.10) – **1.** Authorize the City Administrator to extend the agreement with Moreland & Associates, Inc. to assist in processing property tax refund claims; and **2.** Appropriate \$350,000 from Fund 707, the Employees' Rate Contingency fund (identified as impounded property tax override revenue from FY 2000-01) to fund the agreement. Submitted by the Administrative Services Director. Funding Source: Sufficient funds (not-to-exceed \$350,000) exist as part of FY 2000-01 property tax override revenue impound.
Approved 5-1 (Cook out of room)
- E-5. (City Council) Approve Deposit Agreement between the City and CIM/Huntington, LLC for Bond Counsel and Other Legal Services Incurred in the Formation of a Community Facilities District (CFD) for The Strand Project** (600.10) – **1.** Approve the *Deposit Agreement by and between the City of Huntington Beach and CIM/Huntington, LLC for Bond Counsel and Other Services* relating to the formation of the Community Facilities District for The Strand project and authorize the Mayor and City Clerk to sign the agreement; and **2.** Authorize the acceptance of \$10,000 deposit funds from CIM/Huntington, LLC into revenue account 10000100.48410 and appropriate \$10,000 from the Economic Development Business Development Fund account 10080101.69325 for expenses associated with Professional Services Contracts pertaining to the deposit agreement, and authorize the reimbursement to CIM/Huntington, LLC any unspent deposit funds after the termination of the consultants' contracts; and **3.** Authorize the Director of Economic Development to enter into the Professional Services Contracts funded through the Deposit Agreement with CIM/Huntington, LLC. Submitted by the City Attorney and the Economic Development Director. Funding Source: General Fund unappropriated fund balance. An equal amount of revenue will be deposited into the General Fund. In essence there will not be an impact on the General Fund.
Approved 5-1 (Cook out of room)
- E-6. (City Council) Approve the Children's Needs Task Force Reappointments of Ian Collins, Patricia Guidotti, Phyllis Lembke, and Catherine McGough and the Appointments of Adam Buttons and Rebecca Keene for a Term of September 1, 2004 to August 31, 2008 and Approve the Student Appointment of Katherine Do and Student Reappointment of Travis Holler for a Term of September 1, 2004 to April 30, 2005** (570.70) - **1.** Approve the reappointments of **Ian Collins – Patricia Guidotti – Phyllis Lembke and Catherine McGough** to the Children's Needs Task Force for a term of September 1, 2004 to August 31, 2008; and **2.** Approve the appointments of **Adam Buttons and Rebecca Keene** to the Children's Needs Task Force for a term of September 1, 2004 to August 31, 2008; and **3.** Approve the appointment of student **Katherine Do** to the Children's Needs Task Force for a term of September 1, 2004 to April 30, 2005; and **4.** Approve the reappointment of student **Travis Holler** for a term of September 1, 2004 to April 30, 2005. Submitted by the Community Services Director. Funding Source: Not applicable.
Councilmember Coerper highlighted the appointments and reappointments.
Approved 5-1 (Cook out of room)

- E-7. (Redevelopment Agency) Adopt Agency Resolution No. 350 Approving an Owner Participation Agreement and Affordable Housing Agreement between the Agency and Colette's Children's Home, Inc., (a Four-Plex Providing Shelter and Social Services to Homeless Women and their Children) Located at 7702 Cypress Avenue (Oakview Redevelopment Project Area) (600.30) – Adopt Agency Resolution No. 350 – “A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving an Owner Participation Agreement by and between the Redevelopment Agency of the City of Huntington Beach and Colette's Children's Home, a California Nonprofit Corporation.” Submitted by the Deputy Executive Director. Funding Source: Unappropriated Redevelopment Agency Housing Set-Aside Funds.
Councilmember Coerper inquired if community comments were received. Economic Development Director Biggs reported no issues have been raised.
*Approved 5-1 (Cook out of room)***
- E-8. (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 Planning Director. Funding Source: Not applicable.
*Approved 5-1 (Cook out of room)***
- E-9. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for the Central Park and Warner & Nichols Storm Water Treatment Project; CC-1257 (600.60) – Approve the project plans and specifications and authorize the Director of Public Works to request bids for the Central Park and Warner & Nichols Storm Water Treatment Project, CC-1257. Submitted by the Public Works Director. Funding Source: Funds are budgeted in the Proposition 13 - 2000 Water Bond Act Grant Account. The engineer's cost estimate is \$450,000.
Councilmember Coerper inquired if plans are available for public to view. Public Works Director Robert Beardsley reported approved plans would be made available in his office.
*Approved 6-0***
- E-10. (City Council) Approve Project Plans and Specifications and Authorize Advertisement of Bids for the Civic Center ADA (Americans with Disabilities Act) Site Accessibility Project; CC-1245 (to Provide Adequate Access to City Hall Buildings Including the Council Chambers and City Jail) (600.70) – Approve the project plans and specifications and authorize the Director of Public Works to request bids for the Civic Center ADA Site Accessibility Project, CC-1245. Submitted by the Public Works Director and Economic Development Director. Funding Source: Funds in the amount of \$210,000.00 are available from a Community Development Block Grant – FY 2003/04 Account.
*Adopted 5-1 (Cook out of room)***
- E-11. (City Council) Adopt Resolution No. 2004-72 Amending the Memorandum of Understanding (MOU) between the City and the Surf City Lifeguard Employees' Association (SCLEA) by Adopting the Side Letter of Agreement Re: the 1,500 Hours Provision (Number of Permitted Work Hours within a Twelve-Month Period) (720.20) - Adopt Resolution No. 2004-72 – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Surf City Lifeguard Employees' Association, by Adopting the Side Letter of Agreement (Regarding Number of Permitted Work Hours within a Twelve-Month Period).” Submitted by the Administrative Services Director. Funding Source: No cost.
*Approved 5-1 (Cook out of room)***

- E-12. **(City Council) Direct Staff to Prepare Mayor's Letter to the State Department of Parks and Recreation Exercising City's Option to Extend the Bolsa Chica State Beach Operating Agreement between the City and the State of California for 20 Years (November 30, 2006 to November 30, 2026)** (120.90) – Approve exercising the city's option granted in the 1986 Bolsa Chica State Beach Operating Agreement between the city and the State of California to extend the term for a period of twenty years from November 30, 2006 to November 20, 2026, and authorize staff to prepare a letter for the Mayor's signature to communicate the option to the State Department of Parks and Recreation. Submitted by the Community Services Director. Funding Source: Not applicable.
Approved 5-1 (Cook out of room)
- E-13. **(City Council) Approve a Reimbursement Agreement between the City and Huntington Center Associates, LLC for Professional Building Inspection Services in Connection with the Bella Terra Project – Authorize Appropriation of Funds** (600.10) - 1. Approve the *Reimbursement Agreement between the City of Huntington Beach and Huntington Center Associates, LLC* and authorize the Mayor and City Clerk to sign; and 2. Appropriate Ninety Thousand Dollars (\$90,000) to Building & Safety Department operating account number 10055201.69365 in connection with the Reimbursement Agreement between the City and Huntington Center Associates, LLC; and 3. Authorize the acceptance of two payments of \$45,000.00 on or before October 1, 2004 and February 1, 2005 from Huntington Center Associates, LLC for building inspection services. Submitted by the Building and Safety Director. Funding Source: The proposed Agreement allows the developer to pay for expanded services by depositing funds totaling \$90,000. Two payments of \$45,000 each will be made on or before October 1, 2004, and February 1, 2005.
Approved 5-1 (Cook out of room)

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) – Adopt Resolution No. 2004-74 Regarding the Implementation of the Marine Life Protection Act (MLPA) (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 Federal or State Legislatures, a State or regional body or to be put on a ballot for approval by the voters?

Recommended Action: Motion to:

1. **ADOPT Resolution Number 2004-74-** *“A Resolution of the City Council of the City of Huntington Beach Regarding the Implementation of the Marine Life Protection Act (MLPA);”*
Adopted 6-0

and

2. **AUTHORIZE** a letter of **SUPPORT** for the Orange County Sanitation District's request for \$10 million in Federal funding for Infrastructure Improvements to meet Federal Secondary Treatment Standards;
Approved 6-0

and

3. **REMOVE SUPPORT** and watch SCA 9 (Brulte) – Transportation as Amended 7/29/04;
Approved 6-0

and

4. **SUPPORT** Proposition 1A (SCA 4) on the November Ballot – Providing Constitutional Protection for Cities' Property Tax Revenues and other components of the State Budget Compromise;
Approved 6-0

and

5. **DISCUSS** the request by Senator Feinstein for a letter of **SUPPORT** for designation of the Cogged Stone Site (CA-ORO-83) in Huntington Beach as a Historic Site on the National Register of Historic Places.

Mayor Pro Tem Hardy reported regarding the site of the Bolsa Chica which is surrounded by Huntington Beach.

Discussion was held on background of the item.

Motion that Council take a position in support of #5

Approved 5-1 (Green – No)

F-2. (City Council) Discuss Proposed Amendments by the Planning Commission to the Planning Commission Public Hearing Process Regarding Presentation and the Allocation of Speakers' Time (110.10)

Communication from the Planning Director transmitting the following **Statement of Issue:** Transmitted for (Council) consideration are proposed amendments to the Planning Commission public hearing process, contained in Section 12: Presentations to the Planning Commission (Attachment No. 1). The section is only a portion of the overall changes to the Planning Commission public hearing process focusing on presentations to the Planning Commission and allocation of speakers' time. The remaining changes to the public hearing process are pending and have not received preliminary Planning Commission approval.

The Planning Commission approved the amendments to the Planning Commission public hearing process and the allocation of speakers' time and is recommending approval (**Recommended Action below**). The proposed amendments are recommended to improve the public hearing process by defining the role of the applicants, appellants, and the general public; provide opportunities to make presentations; and allow allocation of speakers' time up to a maximum of 12 minutes. The proposal was approved for a trial period of one-year and is to be re-evaluated by the Planning Commission after that time. The revised public presentation process is outlined in Attachment No. 1.

Recommended Action: Motion to:

PLANNING COMMISSION RECOMMENDATION:

Approve the Planning Commission Public Hearing Process – Speakers' Allocation of Time as submitted by the Planning Commission for a trial period of one-year (ATTACHMENT NO. 1).

OR

STAFF RECOMMENDATION:

~~Deny the Planning Commission Public Hearing Process – Speakers' Allocation of Time as submitted by the Planning Commission for a trial period of one year.~~

Planning Director Howard Zelefsky orally reported.

Mr. Zelefsky stated that the Planning Commissioner, Steve Ray's comments during the Public Comments portion adequately addresses the Commission's Recommendation.

Motion to approve Planning Commission's Recommendation (Motion subsequently withdrawn).

Clarification was made distinguishing Public Hearing items can allow for donation of time for speakers.

***Motion to approve as amended for one year for the public hearing items only.
Approved 4-2 (Coerper, Green – No)***

G. Ordinances

G-1. Ordinances for Adoption

- G-1a. (City Council) Adopt Ordinance No. 3661 Establishing the Huntington Beach Downtown Business Improvement District (BID) (460.30) - **Ordinance No. 3661** - *“An Ordinance of the City of Huntington Beach Establishing the Huntington Beach Downtown Business Improvement District.”* (Approved for introduction as amended August 16, 2004.)
Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3661**, by roll call vote.
Adopted 6-0**

- G-1b. (City Council) Adopt Ordinance No. 3662 Amending Chapter 2.86 of the Huntington Beach Municipal Code Relating to the Powers and Duties of the Library Director (700.10) - **Ordinance No. 3662** - *“An Ordinance of the City of Huntington Beach Amending Chapter 2.86 of the Huntington Beach Municipal Code Relating to Powers and Duties of the Library Director.”* (Approved for introduction August 16, 2004.)
Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3662**, by roll call vote.
Adopted 6-0**

G-2. Ordinances for Introduction

- G-2a. (City Council) Review and Approve the Property Tax Refund Appeal Practices and Guidelines and Approve for Introduction Ordinance No. 3663 Modifying Ordinance No. 3653 which Established Appeal Procedures for the Howard Jarvis Tax Refund Property Claims Filing Process (630.50)**

Recommended Action: Motion to:

1. Review and approve the property tax refund appeal practices and guidelines;
Approved 6-0

and

2. After the City Clerk reads by title, approve for introduction **Ordinance No. 3663**, by roll call vote – *“An Ordinance of the City of Huntington Beach Modifying Ordinance No. 3653 which Established the Appeal Procedures for Tax Refund Claims Filed in Connection with the Case Entitled “Howard Jarvis Taxpayers Association v. County of Orange” and Real Party in Interest City of Huntington Beach, Orange County Superior Court Case No. 818780.”*
Councilmember Sullivan requested amendment to ordinance.
Approved for introduction as amended to change (C) from 14 to 30 calendar days and (e) from regular to certified mail, return receipt requested.
Approved 6-0

- G-2b. (City Council) Approve for Introduction Ordinance No. 3667 Amending Huntington Beach Municipal Code Chapter 13.08 to Expand for Clarification the Definition of Beach (630.10) – **Ordinance No. 3667** – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Pertaining to Beach Regulations.”*
Recommended Action: After the City Clerk reads by title, approve for introduction **Ordinance No. 3667**, by roll call vote.
Approved 6-0**

H. City Council/Redevelopment Agency Items

H1a. Submitted By Councilmember Connie Boardman

(City Council) Continued from August 16, 2004 Council Meeting - Direct City Attorney to Return to Council Within 30 Days an Ordinance to Amend Huntington Beach Zoning and Subdivision Code Relating to Mobile Home Park Conversion (120.90)

Communication from Councilmember Connie Boardman transmitting the following **Statement of Issue:** At the May 17, 2004, City Council Meeting, I brought forward an H-Item regarding the City's Mobile Home Park Conversion Ordinance (see Attachment 1). At that time, I recommended that the Council consider alternatives to update the ordinance and give direction to the City Attorney as to what changes, if any, the Council wishes to make to the ordinance and that the City Attorney return the amended ordinance to the Council for approval.

Because of the complexity of the issues involved, the matter was scheduled for a City Council Study Session on July 19, 2004, where staff compared three elements of our conversion ordinance with ordinances from seven other California cities (Fremont, Los Gatos, Mountain View, San Jose, San Juan Capistrano, Sunnyvale, and Windsor). The three major elements of the Mobile Home Park Conversion Ordinance that the Council may wish to consider updating include: (1) the method for valuing mobile homes to be purchased rather than relocated, (2) the radius within which residents to be relocated may be moved, and (3) the minimum compensation park owners must provide displaced residents. A summary of this comparison is provided below:

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
Huntington Beach	Original purchase price discounted 4.7% per year	50 miles	<ul style="list-style-type: none"> a. Cost of physically moving mobile home within relocation radius. b. If resident wishes to relocate mobile home beyond relocation radius, additional cost of relocation beyond 50 miles will be paid by homeowner. c. If coach cannot be relocated, residents will be compensated according to the following formula: The original purchase price of each unit will be ascertained and discounted at a rate of 4.7% per year. This amount may not be less than \$4,500 plus moving expenses up to \$500, an aggregate not to exceed \$5,000. c. For residents not relocated, rent differential of 50% of the increase in the cost of housing for first year, not to exceed \$750.

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
Fremont	In Place Value	Reasonable Distance	<ul style="list-style-type: none"> a. General relocation assistance. b. Relocation of mobile homes that can be moved within a reasonable distance considering each resident's job, medical facilities, and other important facilities. c. Reasonable cost housing, if available, in the new development project. d. For residents unable to relocate their coach or move into new development project, the in place value of their coach.
Los Gatos	Fair Market Value	Within Town of Los Gatos (residents may choose to relocate elsewhere)	<ul style="list-style-type: none"> a. If resident relocates coach to another park in Los Gatos, cost of physically moving mobile home. b. If resident relocates coach to another park outside of Los Gatos, the estimated cost of moving to the closest park that would accept the coach. c. For residents unable to relocate their coach, the fair market value of their coach.
Mountain View	Fair Market Value	None	To be determined by City Council at time of application by park owner. At a minimum, if suitable relocation is not available, each resident must be compensated the in place fair market value of their coach.
San Jose	In Place Value	Santa Clara, Alameda, Santa Cruz, or San Mateo County	<ul style="list-style-type: none"> a. Costs of moving furniture and personal belongings to new residence. b. Cost of physically moving mobile home. c. For residents who move into multifamily housing, any rent differential for first two years of tenancy. d. For residents who relocate to another mobile home park, any rent differential for first two years of tenancy. e. For residents unable to relocate their coach, the in place value of their coach. f. For disabled, elderly, low income, or families with children, the City

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
			<p>may require extended leases beyond the park closure date.</p> <p>g. For disabled, elderly, low income, or families with children, the City may require setting aside rental spaces for continued tenant occupancy.</p>
San Juan Capistrano	Fair Market Value	50 miles	<p>a. Costs of relocation.</p> <p>b. Costs of physically moving mobile home.</p> <p>c. First and last month's rent and any security deposit at new mobile home park.</p> <p>d. Any rent differential at new mobile home park for first year of tenancy.</p> <p>e. For residents unable to relocate their coach, the fair market value of their coach.</p>
Sunnyvale	In Place Value	20 miles	<p>a. For residents who elect to relocate:</p> <ol style="list-style-type: none"> 1. A housing allowance of \$1,300 adjusted for inflation (1980) for first month's rent, security deposit, and temporary lodging. 2. An additional allowance will be provided of \$3,200 for a single-wide and \$12,650 for a multisection mobile home, adjusted for inflation. 3. Costs of physically moving mobile home. <p>b. For residents who elect to sell their mobile homes, 85% of (1) in place value or (2) cost of local relocation.</p>
Windsor	Fair Market Value	30 miles	<p>a. General relocation assistance.</p> <p>b. Costs of physically moving mobile home.</p> <p>c. First and last month's rent and any security deposit at new mobile home park.</p> <p>d. Any rent differential at new mobile home park for first year of tenancy.</p> <p>e. For residents unable to relocate their coach, the fair market value of their coach.</p>

	Coach Valuation Method	Relocation Radius	Minimum Compensation from Park Owner to Residents
			f. For residents who move into multifamily housing, any rent differential for first two years of tenancy.

In addition to the above three elements of the Mobile Home Park Conversion Ordinance that the Council may consider updating, I recommended that the City Council add a provision to the ordinance to eliminate the potential for mobile home park owners to raise rents and force lower income residents out of their homes. I proposed that the Council add language, such as the following, to prevent park owners from intentionally driving out residents prior to announcing their intent to close a park, thereby avoiding the relocation or compensation provisions of the City's ordinance.

Mobile home park owners applying to the City for a conversion of use must submit satisfactory documentation evidencing the following for each month for the period three years prior to the owner's initial announcement of his or her intent to close the park through the date of application to the City: each resident within the park, identifying all residents with children, disabled residents, and elderly residents; the square footage of each mobile home lot; the monthly rental rate for each mobile home lot; and the monthly space vacancies. For any resident during this period that the City determines lost their mobile home due to abandonment or foreclosure **resulting from an elevation in space rent**, the park owner shall be obligated to pay all compensation that would have otherwise been due under this ordinance. The park owner shall locate any such former residents and provide current contact information to the City. If any such former residents cannot be located, the City shall hold their compensation in trust for three years. At the end of this time, if the former resident (or the resident's heirs, if the resident is deceased) has not been located, the funds will be used to provide affordable housing in the City.

Recommend Action:

That the Council give direction to the City Attorney to change our ordinance to include the use of in place fair market value to establish the value of the coaches and to reduce the relocation radius to 20 miles. This motion also directs the City Attorney to include the language immediately above to protect mobile home owners and that the City Attorney return the amended ordinance within 30 days to the Council for approval.

**Communication submitted by the Administration Department received in the City Clerk's Office on September 1, 2004 of 52 postcards received from Pacific Mobile Home Park in support of Mobile Home Park Conversion Ordinance.

Councilmember Boardman reported orally.

Councilmember Cook made a motion to amend that the coaches not be less than replacement value.

Councilmember Coerper in support of a substitute motion that an ad hoc committee be formed composed of Steve Gullage, Mayor Green, Councilmember Boardman, Vickie Talley and Economic Development Director David Biggs.

Mayor Pro Tem Hardy stated that there is already a Committee, the Mobile Home Advisory Board and it could not arrive at a decision.

Mayor Green stated reasons for seconding the substitute motion; that there is an agreement close at hand.

Vote on Substitute Motion - Failed 2-4 (Sullivan, Hardy, Boardman, Cook – No)

Motion as amended that the amount paid to the mobile homeowner not be less than the replacement value of a similar square footage and size.

Mayor Green stated for the record that she could not vote for an ordinance that had portions which are not legally defensible.

Approved 5-1 (Green – No)

H-1b. Submitted By Councilmember Connie Boardman**(City Council) Schedule a Study Session for City Council Discussion of an Alternate Process to Section 2.34 of the Municipal Code for the Appointment of Planning Commissioners** (120.10)

Communication from Councilmember Boardman transmitting the following **Statement of Issue**: The Huntington Beach Municipal Code, Chapter 2.34, establishes the City Planning Commission and outlines their duties, membership, appointments, terms, and compensation. Specifically, sub section 2.34.050 Appointment states, "Each member of the City Council shall appoint one member to the Planning Commission."

During my term on the City Council, I have seen that some members of our boards and commissions are appointed through an application and interview process. Other board and commission appointments are made without the formality of such a process. Appointments to the Planning Commission, for example, are typically made without an application and interview procedure.

I believe it is a good time for the City Council to discuss how we appoint members of the Planning Commission, and to compare that to a variety of other cities to see if there is an alternative way the Council may wish to appoint commissioners.

Recommended Action: Motion to:

Schedule a Study Session to discuss an alternate process for the appointment of Planning Commissioners.

Failed - No action 3-3 (Sullivan, Hardy, 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.

Councilmember Coerper commended Eagle Scouts Henry Edward Grumet and Christopher Andrew Case as future Boy Scouts of America.

Councilmember Boardman announced Jazz concert series given by the Art Center.

Council/Agency Adjournment to Monday, September 20, 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.

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