

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

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

ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

MONDAY, SEPTEMBER 20, 2004

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

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

Call City Council/Redevelopment Agency Meeting to Order

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

Present – Boardman arrived at 5:16 p.m. (Councilmember Debbie Cook requested permission to be absent from the meeting pursuant to Resolution No. 2001-54).

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.)

Announced by City Clerk Joan L. Flynn – Councilmember Cook's request to be absent; PowerPoint presentation and 2 other Late Communications for the Study Session.

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

None

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.surfcity-hb.org>**

(City Council) Study Session – Update by the Public Works Department and the Federal Department of Fish and Wildlife on the Bolsa Chica Restoration Project (440.60)

Assistant City Administrator William P. Workman will introduce the Public Works Department and the Federal Department of Fish and Wildlife for an update on the Bolsa Chica Restoration Project.

**A PowerPoint presentation will be submitted at the meeting by the Federal Department of Fish and Wildlife.

Bill Workman introduced Jack Fancher of the Federal US Fish and Wildlife Service, who presented a PowerPoint presentation entitled Bolsa Chica Restoration Project. Eight agencies are known as the steering committee for this project, one of which is the US Fish and Wildlife Service.

Mr. Fancher gave a 100-year history of the Bolsa Chica, noted the elements for the current project, and highlighted recent accomplishments. Construction is scheduled to begin by October 1, 2004 and completion is anticipated as soon as spring of 2006, with the groundbreaking ceremony scheduled on October 6, 2004.

Public Access – closed for construction Fall 2004-2005

- ***South levee at loop trail,***
- ***Loop trail at boardwalk,***
- ***Middle bridge, and***
- ***South flood channel levee on east end and across Fieldstone***

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:
Approved 5 – 0 – 1 (Cook 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 **Scottsdale Insurance Co. v. City of Huntington Beach**, Orange County Superior Court Case No. 761735. **Subject:** Scottsdale Insurance Co. 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; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human Resources Manager 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 54957.6 to meet with its Agency Negotiator, Penelope Culbreth-Graft, City Administrator to consider personnel matters. **Subject:** Compensation of Chief of Police (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 (Cook absent by request pursuant to Resolution No. 2001-54.)

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

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

Invocation – To be determined
Led by Reverend Peggy Price.

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

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Councilmember Cook's request of absence from Council Meeting, Study Session, Closed Session, D-2, D-3, D5 and H-2a.

Presentation - Mayor Cathy Green to call on Ocean View School District Board of Trustees President Barbara Boskovich, Ocean View School District Superintendent James Tarwater, and the Lake View NASA Team, who worked to have Lake View School named a NASA Explorer School. Lake View is one of only 50 schools in the nation to receive this distinguished honor. Members of the team include: Team Leader Geoffrey Hammond, Principal Colette Wright, School Facilitator Kelley Roe, Community Liaison Bridget Giles and Special Educator Suzanne Van Dyke. A commendation will be presented to the school. (160.40)

Mayor's Award - Mayor Cathy Green will be joined by Public Works Director Robert F. Beardsley to present the Mayor's award to Utilities Division Crewleader Tommy Sturgeon. (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 agendaized.**

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

PUBLIC COMMENTS:

Speaker, Oceanview School District Boardmember, commended Council for a job well done. Speaker also expressed appreciation to the Public Works Department for the work of Peek Signal Maintenance for expedient installation of the pedestrian signal at Lakeview School.

Speaker spoke regarding vandalism relative to political signs. Speaker is offering a \$500 reward to anyone who reports on violators and requesting a match of his offer.

Speaker addressed Council on Agenda Item H-1a, stating disagreement and proposing a third option for City Council to appoint Grace Winchell. Speaker presented reasons, including Ms. Winchell's filling in for the remainder of Councilmember Garofalo's term of office upon his resignation.

Speaker informed Council of having attended a groundwater replenishment groundbreaking event. Speaker spoke in opposition to H-1a on the option for holding a special election for City Council appointment.

Speaker alleged the illegal purchase by Mills Land and Water of mobile home property. He spoke regarding despotism and eminent domain.

Speaker spoke regarding the status of his tract as not having improved. The speaker cited safety problems with the installment of smoke alarms.

City Administrator Penelope Culbreth-Graft provided information regarding the previous speaker's allegations. Dr. Culbreth-Graft reported no evidence of wrongdoing by city staff, stating that she had responded to the speaker's requests after reviews had been done and inspections made.

Speaker, resident of the Cabrillo Mobile Home Park, announced that one of the intended speakers, Mr. John McGregor had met with an accident but reported he is doing well.

Speaker spoke regarding the proposed mobile home conversion ordinance and rent increases.

Speaker, manager of a 15-unit apartment building, complained of noise from the delivery trucks at the Norm Reeves Honda dealership near his property. Speaker reported not having received satisfaction from his request to abate noise from early morning delivery.

Dr. Culbreth-Graft requested previous speaker to leave a blue contact card with the Sergeant-at-Arms.

Speaker presented a PowerPoint report regarding Invocations, stating major area religions and sects are omitted, among other points. Speaker recommended that the "moment of silence" approach be used instead.

City Clerk Joan L. Flynn requested a copy of the PowerPoint report.

Speaker expressed well wishes to Mr. John McGregor and spoke regarding Cabrillo Mobile Home Park, Pacific Mobile Home Park and the Pacific City project. Speaker recommended shutting down Main Street to traffic and spoke in opposition to the AES Power Plant and desalination plant.

Speaker spoke in opposition to the developer of his property, stating having sustained injuries from a malfunctioning garage door and finding fecal matter under his house.

Councilmember Boardman inquired of the City Administrator, if the previous speaker had come forward with information at their meeting at the homeowner's residence. Dr. Culbreth-Graft reported.

Speaker, candidate for State Assembly, City Council and the Ocean View School District, thanked the speaker who offered a reward for the theft of political signs. Speaker recommended either Grace Winchell or Ralph Bauer to be appointed with regards to agenda item H-1a. Speaker further announced the community meeting on RV parking to be held September 21, 2004 at 6:00 p.m. in the Council Chambers.

Speaker spoke regarding democracy and expressed his seriousness of running for City Council. The speaker requested other candidates not be dismissed for not submitting a Candidates Statement of Qualifications. The speaker invited attendance at Candidate's Forum, October 14, 2004 at 7:00 p.m. in the chambers. He provided his e-mail address: johnforcouncil@hotmail.com.

Speaker spoke regarding Agenda Item H-2a on Overlook Park, stating reasons for changing lock-up policy. Speaker stated desire for increased time of opening up the park for public access and enjoyment.

C-1. Council Committee/Council Liaison Reports

Councilmember Boardman wished the best and a quick recovery to John McGregor.

C-2. City Administrator's Report

Dr. Culbreth-Graft presented an update on the Howard Jarvis Property Tax Refund Claims. She reported Triple A Bond sales to close 9/21/04 and the subsequent issuance of refund checks to begin 10/4/04 for claims received by 7/30/04. Dr. Culbreth-Graft shared information briefly on the Sports Complex, stating legal issues prevent her from disclosing all matters fully and that City Attorney Jennifer McGrath is meeting with many parties to resolve.

C-3a. (City Council) Review and Accept Shari Freidenrich's, City Treasurer's July 2004 Report Titled City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

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

Recommended Action: Motion to:

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

City Treasurer Shari Freidenrich presented the PowerPoint report.

Approved 5-0-1 (Cook absent)

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/Redevelopment Agency) Joint Public Hearing of the City Council and the Redevelopment Agency to Consider a Proposed Disposition and Development Agreement (DDA) Providing for the Conveyance of Real Property within the City of Huntington Beach (Located at 2502 Delaware Street) to Habitat for Humanity of Orange County, Inc. for the Development of a Single Family Affordable Housing Unit - Adopt Resolution No. 2004-75 and Agency Resolution No. 351 (430.50)

Joint Public Hearing for the purpose of considering:

1. The proposed conveyance of real property by the Agency to the Developer.
2. The proposed terms and conditions of such conveyance of real property.
3. The proposed DDA.
4. All evidence and testimony for and against the approval of the DDA, the conveyance of real property and the terms and conditions therefore.

The DDA between the Agency and the Developer concerns the disposition of property which has been or may be acquired by the Agency and conveyed to the Developer. The property to be conveyed consists of one parcel of approximately 2,750 square feet commonly known as 2502 Delaware Street. The DDA includes the terms for the development of a single-family unit for affordable housing.

The Agency has prepared a Summary Report in connection with the Agreement that describes the specifics:

1. The cost of the DDA to the Agency.
2. The estimated value of the interests to be conveyed.
3. The purchase price of the property to be conveyed.
4. An explanation of why the project will assist in the elimination of blight.
5. Other pertinent analysis.

The environmental impacts of the proposed project have been analyzed in environmental impact reports and documents.

At the above stated day, hour, and place, any and all persons having objections to or wishing to express support of the proposed DDA, the proposed conveyance of real property or the proposed terms and conditions thereof may appear and be heard before the Agency and the City Council. Any person desiring to be heard at the hearing will be afforded an opportunity to be heard.

The documents referred to above are available for public inspection and copying during the regular office hours at the office of the City Clerk and the Clerk of the Redevelopment Agency, City Hall, 2000 Main Street, Huntington Beach, California.

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

(Continued on the Next Page)

Recommended Action: Motion to:

City Council/Redevelopment Agency Action Motion to:

Open the public hearing, take testimony, and close the public hearing on the proposed Disposition and Development Agreement.

City Council Actions: Motion to:

1. Adopt **Resolution No. 2004-75** – *“A Resolution of the City Council of the City of Huntington Beach Approving the Transfer and Sale of Certain Property Outside of the Redevelopment Project Area, but in Benefit to the Merged Redevelopment Project Area, to Habitat for Humanity of Orange County, Inc., a California Non-Profit Public Benefit Corporation; Approving the Disposition and Development Agreement Pertaining thereto; and Making Certain Findings with Respect to Such Sale (2502 Delaware Street);”*

and

2. Temporarily waive the City’s insurance requirements for the purpose of approving the Disposition and Development Agreement. Direct staff to ensure that insurance requirements as described in the agreement are met by Habitat for Humanity by the close of escrow.

Redevelopment Agency Actions: Motion to:

1. Adopt Agency **Resolution No. 351** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Sale of Certain Property Outside of the Redevelopment Project Area, but in Benefit to the Merged Redevelopment Project Area, to Habitat for Humanity of Orange County, Inc., a California Non-Profit Public Benefit Corporation; Approving the Disposition and Development Agreement Pertaining thereto; and Making Certain Findings with Respect to Such Disposition and Development Agreement and Such Sale (2502 Delaware Street);”*

and

2. Approve a *Disposition and Development Agreement by and between the Redevelopment Agency of the City of Huntington Beach and Habitat for Humanity of Orange County, Inc. (2502 Delaware Street);* for \$194,400 using Federal HOME Investment Partnership Program Funds for an affordable housing project at 2502 Delaware Street;

and

3. Authorize execution and recordation of the Disposition and Development Agreement, all attachments, and other necessary related documents by the Agency Chairman, Executive Director, and Clerk when advised by the Agency General Counsel.

Economic Development/Deputy Executive Director David Biggs presented PowerPoint report. Mayor/Chair Green opened and closed hearing.

Approved and adopted all actions.

5-0-1 (Cook Absent)

THE FOLLOWING PUBLIC HEARING WAS NOTICED SEPARATELY: ON 9/2/04 FOR RESOLUTION OF INTENTION NO. 2004-68 AND ON 9/9/04 FOR RESOLUTION NO. 2004-69:

D-2. (City Council) Public Hearing on Two Resolutions Adopted at the August 16, 2004 Council Meeting: (1) Resolution of Intention 2004-68 Forming and Setting Boundaries of the District ,Holding Election and Declaring Results to Establish Community Facilities District (CFD) No. 2004-1 (The Strand) - Blocks 104/105 - and (2) Resolution No. 2004-69 Declaring Necessity to Incur Bonded Indebtedness Per Disposition and Development Agreement (DDA) between the City and CIM/Huntington, LLC - Adopt Resolution Nos. 2004-76, 2004-77 and 2004-78 (350.30)

Public hearing on Resolution of Intention No. 2004-68 and with respect to the establishment of said community facilities district, which provides in summary as follows:

1. The name proposed for the community facilities district is "City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California."
2. The boundaries of the proposed community facilities district are described and shown on the map entitled "Boundaries of City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California," which is on file with the City Clerk.
3. The types of public facilities proposed to be provided for and financed by the proposed community facilities district are:
 - a. Street improvements including costs of condemnation, removal, demolition, grading, paving, curbs and gutters, sidewalks, street lights and parkway and landscaping related thereto.
 - b. Storm drains.
 - c. Sewers, sewer treatment facilities and sewer capacity acquisition.
 - d. Public parking facilities including a parking structure.
 - e. Water distribution facilities, including fire hydrants and water storage facilities.
 - f. Street signalization and signage, including traffic fees.
 - g. Fire facilities including structures and capital equipment.
 - h. Utility facilities construction and relocation.
 - i. Acquisition of land, rights-of-way and easements necessary for any of the facilities specified in paragraphs (a) through (h) above.
 - j. The incidental expenses which will be incurred are: (i) the cost of engineering, planning and designing such facilities and the cost of environmental evaluations thereof, (ii) all costs associated with the creation of the proposed community facilities district, issuance of the bonds thereof, the determination of the amount of and collection of taxes, the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district, and (iii) any other expenses incidental to the construction, acquisition, completion, and inspection of such facilities.
4. Special taxes sufficient to pay for all such facilities, to pay the principal of and interest on the bonds of the proposed community facilities district and the annual administrative expenses of the City and the proposed community facilities district in determining, apportioning, levying and collecting such special taxes, and in paying the

principal of and interest on such bonds, and the costs of registering, exchanging and transferring such bonds, secured by the recordation of a continuing lien against all taxable or nonexempt property in the proposed community facilities district, and maintaining a reserve fund for such bonds, and paying any amounts that must be paid to the United States in order to preserve the tax-exempt status of such bonds shall be annually levied within the proposed community facilities district. The rates and method of apportionment of said special taxes shall be as set forth in Exhibit "B" to Resolution No. 2004-68. The maximum amounts of special taxes which may be annually levied on parcels within the proposed community facilities district which are used for private residential purposes are as follows:

MAXIMUM SPECIAL TAX

The maximum special tax for the leasehold interests in taxable property in CFD No. 2004-1 shall be the greater of (1) \$590,000 per acre if a tract or parcel map for airspace condominium has not been recorded or (2) the amount determined pursuant to the following steps:

- Step 1: Determine the maximum annual debt service on all Outstanding Bonds;
- Step 2: Multiply the total debt service determined in Step 1 by 1.1 and add the Administrative Expenses;
- Step 3: Multiply the amount from Step 2 by 0.6 and divide by the square footage of the Hotel Airspace Assessor's Parcel to determine the Maximum Special Tax per square foot for the Hotel Airspace Assessor's Parcel;
- Step 4: Multiply the amount from Step 2 by 0.4 and divide by the square footage of the Retail Airspace Assessor's Parcel to determine the Maximum Special Tax per square foot for the Retail Airspace Assessor's Parcel.

METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with fiscal year 2006-2007, and for each fiscal year thereafter, the city council shall levy the special tax proportionately on each assessor's parcel of taxable property at up to 100% of the maximum special tax, as determined by the paragraph, above, as needed to satisfy the special tax requirement.

The officers of the City who will be responsible for providing the proposed types of public facilities to be provided within and financed by the proposed community facilities district, if it is established, shall study the proposed district, and, at or before the time of said hearing, file a report or reports with the City Council containing a brief description of the public facilities by type which will in their opinion be required to adequately meet the needs of the proposed community facilities district and their estimate of the fair and reasonable cost of providing those public facilities and the incidental expenses to be incurred in connection therewith. Such reports shall be made a part of the record of the hearing.

Other property within the boundaries of the City may be annexed into the proposed community facilities district upon the condition that parcels within that territory may be annexed only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed.

The consolidated special elections on (i) the proposition of the proposed community facilities district incurring a bonded indebtedness in an amount not to exceed \$15,000,000 (ii) the proposition with respect to the levy of special taxes on the land within the community

facilities district to pay the principal of and interest on the bonds thereof, and (iii) the proposition with respect to the establishment of an appropriations limit for the community facilities district in the amount of \$4,000,000, if the community facilities district is established and such consolidated special elections (the "consolidated special elections") are held, shall be conducted as a mail ballot election.

If at least 12 persons have been registered to vote within the territory of the proposed community facilities district for each of the 90 days preceding the close of the public or protest hearing, the vote in the consolidated special elections shall be by the registered voters of the community facilities district with each voter having one vote. In that event, the consolidated special elections shall be conducted by the Registrar of Voters of the County of Orange and shall be held on a date selected by the City Council and the ballots for the consolidated special elections shall be distributed to the qualified electors of the community facilities district by mail with return postage prepaid, and the consolidated special elections shall be conducted as a mail ballot election.

If at the time of the close of the protest hearing less than 12 persons have been registered to vote within the territory of the community facilities district, the vote shall be by the landowners of the community facilities district, with each landowner of record at the close of the protest hearing having one vote for each acre or portion of an acre of land that he or she owns within the community facilities district. In that event, the consolidated special elections shall be conducted by the City Clerk.

The ballots for the consolidated special elections shall be distributed to the qualified electors by the City Clerk by mail with return postage prepaid, or by personal service. The City Clerk shall mail to each qualified elector an official ballot, and shall also mail to all such qualified electors other required election documents, including a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots.

Resolution No. 2004-68 contains other provisions which are not summarized above. A copy of Resolution No. 2004-68 may be reviewed or obtained at the office of the City Clerk of the City of Huntington Beach, 2000 Main Street, Huntington Beach, California.

Notice is further given that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the community facilities district, the extent of the district, or the furnishing of specified types of public facilities or services will be heard. If 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the proposed community facilities district or the owners of one-half or more of the area of the land in said territory and not exempt from the levy of special taxes, file written protests against the establishment of the proposed community facilities district, and protests are not withdrawn so as to reduce the value of the protest to less than a majority, no further proceedings to create the community facilities district or to levy the specified special taxes shall be taken for a period of one year from the date of the decision of the City Council. If majority protests of the registered voters or of the landowners are only against the furnishing of a specified type or types of public facilities or services within the community facilities district, or against levying a specified special tax, those types of facilities or services or the specified special tax will be eliminated from the resolution of formation establishing the community facilities district.

(Continued on the Next Page)

The public hearing is also to consider Resolution No. 2004-69, adopted by the City Council on August 16, 2004. Said resolution determines that it is necessary for proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of

Orange, State of California, to incur a bonded indebtedness in the aggregate principal amount of \$15,000,000.

Resolution No. 2004-69 provides in summary as follows:

1. The City Council declares that it is necessary that bonded indebtedness be incurred by and for proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California, in an aggregate principal amount not to exceed \$15,000,000 for the purpose of financing the design, acquisition, construction, equipping and furnishing of the public facilities described in Resolution No. 2004-68.
2. The amount of the proposed bonded indebtedness shall include all costs and estimated costs incidental to, or connected with, the accomplishment of the purposes for which the proposed bonded indebtedness is to be incurred, including, but not limited to, the estimated costs of construction and acquisition of the public facilities which are proposed to be provided within and for the proposed community facilities district.
3. All non-exempt parcels of taxable property within the proposed community facilities district shall be subject to the levy of special taxes to pay the principal of and interest on the aggregate principal amount of the bonds of the community facilities district which may be issued and sold to finance public facilities which are of benefit to parcels of property within the community facilities district.
4. A public hearing on the proposed bonded indebtedness for said proposed community facilities district shall be held at 7:00 p.m. on September 20, 2004, in the City Council Chambers located at 2000 Main Street, Huntington Beach, California. Said hearing shall be conducted concurrently with the hearing on the establishment of the proposed community facilities district.

Notice is further given that at the time and place of said hearing all interested persons, including all persons owning property in the proposed community facilities district, for or against the proposed bonded indebtedness, will be heard.

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

Recommended Action: Motion to:

- ~~1. Open, conduct and close public hearing;~~

~~_____and~~

- ~~2. Adopt **Resolution No. 2004-76** — “A Resolution of the City Council of the City of Huntington Beach Establishing City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) and Establishing the Boundaries thereof;”~~

~~_____and~~

- ~~3. Adopt **Resolution No. 2004-77** — “A Resolution of the City Council of the City of Huntington Beach Calling a Special Election and Submitting to the Voters of City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) Propositions~~

~~Regarding Incurrence of Bonded Indebtedness, the Annual Levy of Special Taxes within the Community Facilities District to Pay Principal of and Interest on Bonds thereof, and the Establishment of an Appropriations Limit;~~

**Exhibit "A" of Resolution No. 2004-77 – Official Ballot
Consolidated Special Elections for City of Huntington Beach
Community Facilities District No. 2004-1 (The Strand)
County of Orange, State of California**

<p>PROPOSITION A: Shall a bonded indebtedness in an original aggregate principal amount not to exceed \$15,000,000 be incurred by and for City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California (the "Community Facilities District"), for a maximum term of not more than 35 years and with interest at a rate or rates not to exceed the maximum interest rate permitted by law, for the purposes of providing; (1) The types of public facilities listed in the Resolution of Formation of the District adopted September 20, 2004, and (2) The incidental expenses which will be incurred are all costs associated with the creation of the Community Facilities District, issuance of the bonds thereof, the determination of the amount of and collection of taxes, and the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No [Proposition A]</p>
<p>PROPOSITION B: Shall special taxes be levied annually on taxable property within City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California (the "Community Facilities District"), to pay the principal of and interest on the bonds of the Community Facilities District issued and sold to finance and refinance those purposes specified in Proposition A of this ballot, to establish and replenish the reserve fund for the bonds, or to accumulate funds for future bond payments, including any amount required by federal law to be rebated to the United States with regard to the bonds, and to pay expenses incidental thereto and to the levy and collection of the special taxes, so long as the special taxes are needed to pay the principal of and interest on the bonds and for such other purposes, together with the payment of, and the provisions of repair and replacement reserves for, maintenance of any of the publicly owned facilities financed with the proceeds of such bonds, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "A" to the Resolution of Formation adopted by the City Council of the City of Huntington Beach on September 20, 2004?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No [Proposition B]</p>
<p>PROPOSITION C: Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California, in the amount of \$4,000,000?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No [Proposition C]</p>

PROPOSITIONS A AND B ARE SUBJECT TO THE ACCOUNTABILITY MEASURES PRESCRIBED IN SECTION 53410 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

and

4. ~~Hold election;~~

and

~~5. Adopt Resolution No. 2004-78 — “A Resolution of the City Council of the City of Huntington Beach Declaring the Results of the Consolidated Special Elections for City of Huntington Beach Community Facilities District No. 2004-1 (The Strand) County of Orange, State of California, on the Propositions with Respect to (i) Incurring Bonded Indebtedness in an Original Amount not to Exceed \$15,000,000, (ii) the Annual Levy of Special Taxes to Pay Principal and Interest on Bonds, and (iii) the Establishment of an Appropriations Limit and Authorizing the Recordation of the Notice of Special Tax Lien.”~~

Opened and continued open to 11/15/04.

City Clerk Joan L. Flynn restated Late Communication for the record.

Approved 5 – 0 – 1 (Cook absent)

D-3. (City Council) Public Hearing to Consider Approval of Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Various Sections of the Downtown Specific Plan SP-5 – Approve Introduction of Ordinance Nos. 3668A or B and 3669 through 3682, Inclusive (450.20)

Applicant: City of Huntington Beach

Request: To amend 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP 5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: Citywide

Environmental Status: This Agenda Item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) September 16, 2004.

All interested persons are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. 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:

Approve Zoning Text Amendment No. 03-02 with findings for approval (Attachment No. 3) and after the City Clerk reads by titles, approve for introduction the following ordinances **(Attachment No. 1).**

Planning Commission Recommendation Ordinance No. 3668A (Attachment No. 1)

OR Staff Recommendation Ordinance No. 3668B (Attachment No. 2) – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203– DEFINITIONS AND CHAPTER 24– CONDITIONAL USE PERMITS;” and

Ordinance No. 3669 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED USE CLASSIFICATIONS;” and

(Continued on the Next Page)

~~Ordinance No. 3670~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED RESIDENTIAL DISTRICTS;” **and**

~~Ordinance No. 3671~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED COMMERCIAL DISTRICTS;” **and**

~~Ordinance No. 3672~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED INDUSTRIAL DISTRICTS;” **and**

~~Ordinance No. 3673~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED PS PUBLIC SEMIPUBLIC DISTRICTS;” **and**

~~Ordinance No. 3674~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OIL PRODUCTION OVERLAY DISTRICT;” **and**

~~Ordinance No. 3675~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 222 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED FP FLOODPLAIN OVERLAY DISTRICT;” **and**

~~Ordinance No. 3676~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SITE STANDARDS;” **and**

~~Ordinance No. 3677~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OFF-STREET PARKING AND LOADING PROVISIONS;” **and**

~~Ordinance No. 3678~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SIGNS;” **and**

~~Ordinance No. 3679~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NONCONFORMING USES AND STRUCTURES;” **and**

~~Ordinance No. 3680~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 244 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED DESIGN REVIEW;” **and**

~~Ordinance No. 3681~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED GENERAL PROVISIONS;” **and**

~~Ordinance No. 3682~~—“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN OF THE CITY OF HUNTINGTON BEACH.”

Opened and Continued Public Hearing Open to 10/4/04.

City Clerk Flynn restated Late Communication for the record.

Approved 5 – 0 – 1 (Cook absent)

D-4. (City Council) Public Hearing to Consider Appeal Filed by Councilmember Connie Boardman of the Planning Commission's Approval of Conditional Use Permit No. 03-62 - Applicant, Brandy Yamamoto of Spear Design Associates for Proposed Development of a Walgreen's Pharmacy Drive-Thru Service Located in the CG (Commercial General) Zone at 19001 Brookhurst Street (s/w Corner of Brookhurst Street and Garfield Avenue) (420.40)

Public Hearing to consider Appeal of the Planning Commission's Approval of Conditional Use Permit No. 03-62

Applicant: Brandy Yamamoto, Spear Design Associates

Appellant: Councilmember Connie Boardman

Request: To permit the development of an 11,838 square foot Walgreen's Pharmacy with drive thru service, located in the CG (Commercial General) zone. The proposal includes installation of new landscape planters and new surface parking.

Location: 19001 Brookhurst Street. (Southwest corner of Brookhurst St. and Garfield Ave.)

Environmental Status: Notice is hereby given that the initial environmental assessment for this Agenda Item was processed and completed in accordance with the California Environmental Quality Act. It was determined that Item No. 2 would not have any significant environmental effects and that a negative declaration is warranted. Negative Declaration No. 03-09 was approved by the Zoning Administrator on June 2, 2004. No appeals were filed during the 10-day appeal period. The document is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection by contacting the Planning Department, or by telephoning (714) 536-5271.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) September 16, 2004.

ALL INTERESTED PERSONS are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. 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 RECOMMENDATION: Motion to:
Approve Conditional Use Permit No. 03-62 with Findings and Conditions of Approval (ATTACHMENT NO. 1).

OR

STAFF RECOMMENDATION: Motion to:

~~Deny Conditional Use Permit No. 03-62 with Findings for Denial (ATTACHMENT NO. 2).~~
Associate Planner Paul DaVeiga presented PowerPoint report. Mayor Pro Tem Hardy inquired as to direction in which Walgreen's faces.

Councilmember Coerper inquired regarding the retaining walls overlooking the adjacent mobile home parks and the noise from delivery trucks. Mr. DaVeiga stated amendments can be made.

The developer concurred regarding the requested changes to the specifications on the height of the retaining walls and to restrict truck delivery times.

John Glikbarg, Walgreen's Drugs representative reported to Council inquiry regarding drive through, a noise study, and background information.

Speaker spoke regarding forward-facing buildings and the Design Review Board (DRB) Guidelines.

Speaker spoke as a Planning Commissioner to amplify the Commission's recommended action.

Councilmember Boardman stated reasons for bringing the appeal forward, including lack of compliance with one of the Design Review Board Guidelines, her opinion that it looks much better to have landscaped berms and attractive architecture on the street rather than parking lot after parking lot, and the desire to avoid the "cookie cutter" look of some businesses.

Motion made to approve the Planning Commission recommendation as amended to: (1) increase height of block wall to 7 feet on Walgreen's side; (2) the delivery hours to be 8 a.m. to 8 p.m.; and (3) to go back to the DRB.

Approved 4 – 1 – 1 (Boardman No, Cook absent)

D-5. (City Council) Public Hearing Opened and Continued Open from 9/7/04 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, close public hearing

**Copies of the Proposed budget are on file for public review in the City Clerk's Office.

Recommended Action: Motion to:

1. Conduct the public hearing on the proposed \$297,925,177.00 new appropriations for the fiscal year 2004/2005 city budget as outlined in the budget document, and all revisions contained in the Exhibits of the Budget Resolution (Public hearing opened and continued open from September 7, 2004);

and

2. Adopt **Resolution No. 2004-81** – *“A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2004/05;”*

and

3. Authorize the attached “Professional Services Listing” to be representative of services expected to be utilized by departments in 2004/2005.

City Administrator Culbreth-Graft asked the staff members who worked on the budget to stand and be acknowledged: Finance Officer Dan Villella, Senior Accountant Dianne Ashbaugh and Senior Budget Analyst John Roulette.

City Clerk Flynn announced the Late Communication of this public hearing was erroneously announced as D-1.

Approved and Adopted 5 – 0 – 1 (Cook absent)

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 August 2, 2004 and Adjourned Regular Meetings of August 9, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved and Adopted 5 – 0 – 1 (Hardy abstained on 8/2/04 Minutes; Cook absent)
- E-2. (City Council) Receive and File Big Independent Cities Excess Pool (BICEP) Financial Statements and Independent Auditor's Report – June 30, 2003 and 2002** (310.75) – Receive and file the *Big Independent Cities Excess Pool (BICEP) Financial Statements and Supplementary Information With Independent Auditor's Report for the years ending June 30, 2003 and 2002.* Submitted by the City Clerk. Funding Source: Not Applicable.
Approved 5 – 0 – 1 (Cook absent)
- E-3. (City Council) Adopt Resolution No. 2004-79 Repealing Resolution No. 2003-47 by Revising the Fee Schedule for Civil Fines for Municipal Code Violations** (340.20) - Adopt **Resolution No. 2004-79** – “*A Resolution of the City Council of the City of Huntington Beach Revising the Fee Schedule for Civil Fines for Municipal Code Violations.*” Submitted by the City Attorney and the Police Chief. Funding Source: Not Applicable.
Adopted 5 – 0 – 1 (Cook absent)
- E-4. (City Council) Approve Side Letter of Agreement to the Memorandum of Understanding (MOU) between the City and the Huntington Beach Municipal Employees' Association (MEA) Regarding (1) Uniforms; (2) Insurance Coverage Increase; and (3) General Leave Accrual – Adopt Resolution No. 2004-82** (720.20) – Adopt **Resolution No. 2004-82** – “*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Municipal Employees' Association, by Adopting a Side Letter of Agreement (Uniforms, Insurance Coverage, General Leave Accruals.)*” Submitted by the Administrative Services Director. Funding Source: As required by state law in accordance with the California Public Employees' Retirement System (PERS), the city will begin reporting for all eligible employees the value of city provided uniforms as compensation for retirement calculation purposes. There is a one-time cost of \$14,000 and an ongoing annual cost of \$7,000 related to reporting uniforms to PERS. The coverage level increase for life and accidental death & dismemberment insurance represents an increase of \$2,800 annually to the budget. The increase to the General Leave accrual cap of 600 hours to 640 hours represents a maximum liability of \$530,000. At this time no adjustment is needed to the fiscal year 2003/2004 budget or proposed fiscal year 2004/2005 budget.
Approved 5 – 0 – 1 (Cook absent)

- E-5. **(City Council) (1) Adopt Resolution No. 2004-73 Accepting and Agreeing to Modifications Suggested by the California Coastal Commission for Local Coastal Program Amendment (LCPA) No. 1-03 and (2) Adopt Resolution No. 2004-80 Amending Huntington Beach Zoning and Subdivision Ordinance Sections 230, 231 and 254** (420.85) **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 forward to the California Coastal Commission; and **2. Adopt Resolution No. 2004-80** – “A Resolution of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 230.96, 231.04, 231.18 and 254.08 thereof to Conform LCP Amendment No. 1-03 to Modifications Made by the California Coastal Commission.” Submitted by the Planning Director. Funding Source: Not applicable.
Adopted both Resolutions 5 – 0 – 1 (Cook absent)

F. Administrative ItemF-1. (City Council) Approve City Council Position on Legislation Pending before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC) (640.90)

Communication from Mayor Pro Tem Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the 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. **SUPPORT** S 2554 Water Resources Development Act (WRDA) with a request to exclude the section establishing a Beach Nourishment Advisory Committee;

and

2. **REMOVE SUPPORT** and take **NO POSITION** on AB 974 as amended 07/29/04;

and

3. **SUPPORT** Proposition 65 Local Government Funding;

and

4. Approve Letter of **SUPPORT** for OCTA's (Orange County Transportation Authority's) request to the Measure M Citizen Oversight Committee to advance them \$123.7 Million for Completion of the Garden Grove Freeway Project;

and

5. As requested by the City's Environmental board, **SUPPORT** continuation of dredging the Santa Ana River Channel by the County of Orange with a request that they regularly appropriate funding for that purpose.

Councilmember Coerper spoke regarding Propositions 1A and 65.
Approved 4 – 1 – 1 (Coerper No, Cook absent)

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

- G-1a. (City Council) Adopt 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.” (Approved for introduction on September 7, 2004.)**
Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3667**, by roll call vote.
Adopted 5 – 0 – 1 (Cook absent)

- G-1b. (City Council) Adopt as Amended Ordinance No. 3663 Modifying Ordinance No. 3653 which Established Appeal Procedures for the Howard Jarvis Tax Refund Property Claims Filing Process (630.50) – Ordinance No. 3663 - “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.” (Approved as amended for introduction on September 7, 2004.)**
Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3663**, by roll call vote.
Adopted 5 – 0 – 1 (Cook absent)

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Mayor Cathy Green****(City Council) Select Appropriate Procedure to Appoint a City Council Member for the Unexpired Term** (120.40)

Communication from Mayor Cathy Green transmitting the following **Statement of Issue:** City Council Member Pam Houchen has resigned, effective September 2, 2004. Since the next regular election for City Council Members will not be held until November 2, 2004, a process needs to be approved regarding the appointment of a new City Council Member by the City Council to serve the remainder of the current unexpired term.

Recommended Action:

~~That the City Council determine the appropriate procedure to appoint a City Council Member for the remainder of the unexpired term.~~

Analysis:

~~In order to assure the most effective operation of the City Council Office, there is a need to appoint a City Council Member to carry on the respective duties of the elective office as identified in the Charter for the remainder of the current term, which expires on December 6, 2004.~~

I believe the City Council has two procedures to choose from:

~~**Alternative 1:** Conduct a short recruitment and interview process, and make a selection after interviewing several qualified candidates. This was the process used by the City Council to fill the vacancy following the last resignation of a City Council Member, and the vacancy following the resignation of the previous City Clerk.~~

~~**Alternative 2:** Do not make an appointment, and call for a special election.
Mayor Green pulled item to next regular meeting (10/4/04).~~

H-2a. Submitted By Councilmember Gil Coerper**(City Council) Authorize the Parking Lot Associated with Overlook Park be Gated and Locked (The Bluffs) (920.10)**

Communication from Councilmember Gil Coerper transmitting the following Statement of Issue: Recently the City Council received a communication from Karen Good, a resident in The Bluffs. She expressed a concern about the types of activities that are occurring, particularly in the evening in the parking lot associated with Overlook Park. (Her letter is attached along with an earlier letter from another member of her homeowners association.)

In response to her concerns, I met with her and Lt. Craig Juninger. He noted that the activities she describes are not uncommon to most city parks. He also advised that in response to previous correspondence from her association, a gate has been installed at the entrance to the parking lot and the police department is closing and locking it each night at 10:00 PM or as close thereafter as an officer is available to close it. It is reopened at approximately 5:00 AM each morning.

Ms. Good suggested that it would help to have the gate closed around dusk. However, our Police Department's dispatch system is set up so it requires a specific time for notifying an officer to close the park. I believe a reasonable time for closure would be 7:00 PM. I am, therefore, making a motion as follows:

Recommended Action:

That the City Council authorize the parking lot associated with Overlook Park be gated and locked each evening at 7:00 PM or as close thereafter as an officer is available to close it. They will continue to open it again at approximately 5:00 AM.

***Councilmember Coerper pulled item from agenda for further review by City Administrator to a date uncertain.
Approved 5 – 0 – 1 (Cook absent)***

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Councilmember Boardman thanked the Friends of Shipley Nature Center including the trade unions and corporate donors for the renovation they had done on the site.

Councilmember Coerper thanked Library Services Director Ron Hayden for a superb job on his department's organizational chart. Mr. Coerper also commented on the Shipley Nature Center and a Search and Rescue event with the Police Department, Fire Department, and Explorers which he had attended.

Mayor Green also congratulated the Friends of Shipley and gave kudos to the Council on Aging for Senior Saturday.

Council/Agency Adjournment to Monday, October 4, 2004, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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

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