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

REVISED AGENDA

Revised Page 4

CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH

MONDAY, MARCH 7, 2005

4:45 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

4:00 P.M. - Room B-8
The City Clerk will recess the 4:00 P.M. portion of the Meeting due to an anticipated lack of quorum.

4:45 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

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

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.)

Public Comments Regarding 4:45 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

(City Council) Study Session Regarding the Concept of Floor-Area-Ratio (FAR) Including Examples of Different House Sizes and Recent Construction Trends in the City (.)
The study session is a result of an H-item (Council item) initiated by City Councilmember Grace Winchell which is directed towards the issue of the compatibility of proposed additions to existing single-family residences with the established character of the surrounding residential neighborhood. The study session will provide an introduction to the concept of floor-area-ratio and will include examples of different house sizes throughout the city as well as information on recent construction trends in the city.

Call Closed Session of City Council/Redevelopment Agency

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

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 **Patty Hondorp v. the City of Huntington Beach,** Orange County Superior Court Case No. 03CC09608. **Subject**: Hondorp v. City of Huntington Beach. (120.80)

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

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

6:00 P.M. - Council Chambers

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)).

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

Pledge of Allegiance and Flag Salute - On March 12, 1912, the first Girl Scout Troop was registered. In honor of the Girl Scouting Birthday, the Huntington Beach Girl Scout Flag Unit is conducting a special flag ceremony. The unit is made up of Girl Scouts from 11 different troops in Huntington Beach (Brownies, Junior Cadets and Senior Scouts) who practice monthly and perform for many different groups and organizations. They recently performed for Disneyland Resort at a major Special Olympics event.

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 led by Father Bruce Patterson from St. Bonaventure Church.

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.)

B. PUBLIC COMMENTS

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

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

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

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

C-1. Council Committee/Appointments/Liaison Reports (.)
(This is the opportunity for Councilmembers to make announcements regarding Council committees, appointments or liaison reports.)

C-2. City Administrator's Reports

PUBLIC HEARING

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

D-1. (City Council) Public Hearing for the Annual Review of the Holly-Seacliff Development Agreement No. 90-1 (Located between Ellis Avenue on the North, Huntington Street on the East, Edwards Street on the West, and the Seacliff Golf Course on the South) – Accept the 2004 Annual Compliance Report (600.10)
Communication from the Planning Director.

Applicant: City of Huntington Beach

Request: Annual review of the Holly-Seacliff Development Agreement Compliance Report.

Location: Approximately 490 acres located between Ellis Avenue on the north, Huntington Street on the east, Edwards Street on the west, and the Seacliff Golf Course on the South.

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, March 3, 2005.

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

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: Motion to:
Determine that the Developer is in compliance with the Holly Seacliff Development Agreement No. 90-1 by accepting the 2004 Annual Compliance Report and authorize the Mayor and City Clerk to sign and execute the *Certificate of Development Agreement Compliance* (Attachment No. 2) and direct the City Clerk to record said Certificate with the Orange County Recorder.

D-2. (City Council) Public Hearing Opened and Continued Open from February 22, 2005 to Consider Appeal Filed by Applicant Mike Padian, Padian Team Consulting, of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 - Good Shepherd Cemetery, 8301 Talbert Avenue (N/E Corner of Beach Boulevard and Talbert Avenue) (420.40)
Public Hearing to consider appeal of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 (Good Shepherd Cemetery).

Appellant/Applicant: Mike Padian

Request: To analyze the potential environmental impacts associated with a proposed expansion of Good Shepherd Cemetery. The expansion includes three phases of construction over a seven to ten year period. The proposed improvements consist of an 85,000 square foot three-story mausoleum, a 10,000 square foot maintenance facility, one-story garden crypt buildings totaling 100,000 square feet, and construction of approximately 1,850 lineal feet of perimeter fencing.

Location: 8301 Talbert Avenue (northeast corner of Beach Blvd. and Talbert Ave.)

Environmental Status: Notice is hereby given that the initial environmental assessment for this item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. Mitigated Negative Declaration No. 03-08 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

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 March 3, 2005.

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

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

PowerPoint presentation titled *Good Shepherd Cemetery Expansion Appeal of Mitigated Negative Declaration No. 03-08* is included in the agenda packet.

Recommended Action: Motion to:

A. Planning Commission Recommendation: Motion to:
Approve Mitigation Negative Declaration No. 03-08 with Findings and Mitigation Measures (5:1 slopes) (Attachment No. 1);

OR

B. Staff Recommendation: Motion to:
Approve Mitigation Negative Declaration No. 03-08 with Findings and Modified Mitigation Measures (2:1 slopes) (Attachment No. 2).

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 February 7, 2005 and City Council Special Meeting of February 14, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

E-2. City Council) Receive and File the 2004 Mobile Home Advisory Board (MHAB) Annual Summary Report (430.80) – Receive and file the *Mobile Home Advisory Board (MHAB) 2004 Summary Report*. Submitted by the Economic Development Director. Funding Source: Not applicable.

E-3. (City Council) Approve 1) Amendment No. 1 to the Professional Services Contract between the City and AESCO Technologies, Inc. and 2) Amendment No. 1 to the Professional Services Contract between the City and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services (.) –**1.** Approve *Amendment Number 1 to Agreement between the City of Huntington Beach and AESCO Technologies, Inc. for On-Call Testing and Inspection Services* in the amount of $150,000*;* and **2.** Approve *Amendment No. 1 to Agreement between the City of Huntington Beach and Harrington Geotechnical Engineering, Inc. for On-Call Testing and Inspection Services* in the amount of $250,000. Submitted by the Acting Public Works Director. Funding Source: Funds are available within budgeted capital improvement projects.

E-4. (City Council) Approve the Professional Services Contract between the City and DynTek, Inc. for Microsoft Professional Consulting Services (.) – Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and DynTek, Inc. for Microsoft Professional Consulting Services*. Submitted by the Acting Information Services Director. Funding Source: The full cost of this contract is $46,800; however, Microsoft is funding $30,000 of the cost of the services. The balance ($16,800) is to be paid by the City of Huntington Beach. Funding for the Active Directory implementation project will be from salary (10042154.51000) and benefit (10042154.55000) savings in the Information Services Business Systems budget.

E-5. (City Council) Adopt Resolution No. 2005-16 Revising the Conflict of Interest Code Pertaining to Designated Employees and Officials (.) – Adopt **Resolution No. 2005-16 –** *"A Resolution of the City Council of the City of Huntington Beach, California Amending its Conflict of Interest Code."* Submitted by the City Attorney. Funding Source: Revision of the Code will have little or no financial impact to the City. Any costs will come out of the General Fund.

E-6. (City Council) Approve a Professional Services Contract between the City and Weule, Ballard & Mondo, LLP for Hearing Officer Services for Appeals Process of Property Tax Override Refunds and Authorize Appropriation of $76,000 from the Property Tax Override Refund Fund for Expenses Related to the Hearing Officer Contract ($20,000) and other Anticipated County Expenses Related to the Refund Process ($56,000) (.) – **1.** Approve the *Professional Services Contract Between the City of Huntington Beach and Weule, Ballard & Mondo, LLP for Hearing Officer Services* and authorize the Mayor and City Clerk to execute the agreement; and **2.** Authorize the appropriation of $56,000 from the undesignated Property Tax Override Refund Fund (707) balance to the Property Tax Override Refund expense account 70730101.69365 (contractual services) for expenses to the County for property tax database information; and **3.** Authorize the appropriation of $20,000 from the undesignated Property Tax Override Refund Fund (707) to the Property Tax Override Refund expense account 70730101.69365 (contractual services) for the Hearing Officer Contract. Submitted by the City Attorney, the Finance Officer and the Acting Administrative Services Director. Funding Source: Property Tax Override Refund Undesignated Fund Balance (Fund 707 – Fiscal Impact Statement attached).

E-7. (City Council) Approve Affordable Housing Agreement between the City and Team Delaware, LLC for a Six-Unit Condominium Project Located on the East Side of Delaware Street, South of Yorktown Avenue) (.) – Approve the Agreement Containing Covenants Affecting Real Property By and Between the City of Huntington Beach and Team Delaware, LLC, titled *Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* and authorize the Mayor and City Clerk to sign and execute (Attachment No. 1). Submitted by the Planning Director. Funding Source: Not Applicable.

E-8. (City Council) Deferred from February 22, 2005 - Adopt Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority and Agreement for Sunset Beach (600.25) – Approve and authorize the Mayor and City Clerk to execute the *Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services Between the Orange County Fire Authority and the City of Huntington Beach* **and** approve the *Agreement* for advanced life support emergency medical services to the Sunset Beach area. Submitted by the Fire Chief. Funding Source: None required. (The Automatic Aid agreement includes an MOU [Memoranda of Understanding] between the Orange County Fire Authority and the City of Huntington Beach)

E-9. (City Council) Approve Two License/Use Agreements between the City and 1) Dynix Corporation for Application Software to Replace the Library's Automated Circulation System and 2) CMS for Document Management and Support Services Agreement for Copiers (.) – **1.** Approve and authorize the execution by the Mayor and City Clerk of the *License/Use Agreement between the City of Huntington Beach and Dynix Corporation for Application Software* to replace the Library's automated circulation system (Attachment No. 1); and **2.** Approve and authorize the execution by the Mayor and City Clerk of the License/Use Agreement between the City of Huntington Beach and CMS lease agreement for copiers, titled *CMS – Document Management and Support Services Agreement* (Attachment No. 2). Submitted by the Library Services Director and the Acting Information Services Director.

Funding Source: $150,000 - Fiscal Years 2003-05 Equipment replacement – account 10400211.84000 – 10042154C; **and** $7,500 – California State Library Grant for the purchase of a library server; **and** $161,790 – Fiscal Years 2002-05 Library equipment replacement – account 88050151.84000 **=** $319,290 - Total combined equipment replacement funding in current budget.

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): 1) Adopt Resolution No 2005-15 Requesting University of California Regents Execute the Sale of Their City-Zoned, Open-Space-Wetlands Parcel along Pacific Coast Highway and Adjacent to the Huntington Beach Wetlands Conservancy Project, to the California Coastal Conservancy; 2) Support Retention of Two Military Facilities; and 3) Approve the Federal Funding Agenda (.) Communication from Mayor Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Gil Coerper and Councilmember Keith Bohr transmitting the following **Statement of Issue:** Authorize the Mayor to communicate the City of Huntington Beach's support for, or opposition to, legislation currently pending before the elected members of the State or Federal Legislators; a Governmental Task Force, or a regional body or to be put on a ballot for approval by the voters.
Recommended Action: Motion to:
1. Adopt **Resolution No. 2005-15 -** *"A Resolution of the City Council of the City of Huntington Beach Requesting the Regents of the University of California to Execute Sale of their 17-Acre City Zoned Open-Space-Wetland Parcel, to the California Coastal Conservancy;"*

and

2. Authorize the Mayor to send a letter on behalf of the City to the California Council on Base Support and Retention requesting that the Los Alamitos Joint Forces Training Base and the Seal Beach Weapons Station be retained as military facilities;

and

3. Approve the Federal Funding Agenda.

F-2. (City Council) Adopt Resolution No. 2005-17 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Management Employees' Organization (MEO) Covering the Period of December 20, 2003 through December 19, 2006 (.) Communication from the Acting Director of Administrative Services transmitting a new Memorandum of Understanding between the City and the Huntington Beach Management Employees' Organization (MEO) covering the period of December 20, 2003 through December 19, 2006.
Recommended Action: Motion to: Adopt **Resolution No. 2005-17** – *"A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Management Employees' Organization (MEO) and the City of Huntington Beach for 12/20/03 through 12/19/06."*

G. Ordinances

G-1. Ordinances for Adoption

G-1a. (City Council) Continued from February 22, 2005 - Approve Franchise Agreement to Southern California Water Company Regarding Construction of a Water Pipeline - Adopt Ordinance No. 3701 (.)
Recommended Action: Motion to:
1. Approve and authorize the Mayor to execute an Agreement entitled: *An Agreement Between the City of Huntington Beach and Southern California Water Company Regarding Construction of a Water Pipeline;*

and

2. After the City Clerk reads by title, adopt by roll call vote, **Ordinance No. 3701** – *"An Ordinance of the City Council of the City of Huntington Beach Granting a Pipeline Franchise for Transmitting Water In, Under, Along and Across Streets, in the City of Huntington Beach."* (Approved for introduction on February 22, 2005.)

G-1b. (City Council) Adopt Ordinance No. 3699 Amending Section 10.44 of the Huntington Beach Municipal Code Regulating Parking Time Limits of Oversized Vehicles, Recreational Vehicles and Detached Trailers on City Streets - **Ordinance No. 3699 -** – *"An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Oversized Vehicle Parking.*" (Approved for introduction as amended on February 22, 2005.)
Recommended Action: After the City Clerk reads by title, adopt **Ordinance No.** 3699, by roll call vote.

G-2. Ordinances for Introduction - None

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Mayor Jill Hardy

(City Council) Approve the City of Huntington Beach 2005 City Council Liaison Assignments List as Amended (.)
Communication from Mayor Jill Hardy transmitting the following **Statement of Issue:**
At the time the Council approved the Council Liaison List, only one member of the City Council was assigned to the Environmental Board.

The Environmental Board has some vacancies at the present time that need to be filled. I would, therefore, like to appoint Council Member Sullivan to work with Council Member Bohr in

reviewing and recommending candidates to fill the existing vacancies. The attached list has also been amended to correct meeting times that have changed since it was approved. Attached for your approval is the list of Council Liaisons with these amendment.

Recommended Action: Motion to:
Approve the Council Liaison List as amended and attached.

Attachment: Amended Council Liaison List.

H-2a. Submitted by Councilmember Debbie Cook

(City Council) Direct the City Attorney to Prepare an Amendment to Huntington Beach Municipal Code Chapter 5.64 Regarding Increasing the Allowable Administrative Expenses for Lawful Bingo Games From $1,000 to $2,000 (.)
Communication from Councilmember Debbie Cook transmitting the following **Statement of Issue:** Under current City Municipal Code, Chapter 5.64, Section 5.64.110 (b), the city sets a limitation of $1,000 on the portion of the proceeds from a lawful bingo game that can be used to cover administrative expenses such as rental of property, and purchase of equipment, etc. A copy of Chapter 5.64 is attached.

The Huntington Beach Elks Lodge #1959 has requested that the allowable administrative expenses be increased from $1,000 to $2,000. This would bring the city's code into alignment with current State laws regulating bingo.

Since our code has not been amended since 1993, it seems reasonable to make this minor change. To that end, I make the following motion:

Recommended Action: Motion to:
Direct that the City Attorney prepare for City Council consideration, an amendment to Municipal Code Chapter 5.64, Section 110 (b), increasing the allowable administrative expenses for a lawful bingo game from $1,000 to $2,000.

Attachments:

1. Municipal Code 5.64 – Bingo Games

2. Letter from the City Attorney dated Feb. 16, 2005

Council Comments - (Not Agendized)

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

Council/Agency Adjournment to Monday, March 21, 2005, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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

COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA WITH STAFF REPORTS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
http://www.surfcity-hb.org