

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**.

AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY

CITY OF HUNTINGTON BEACH

MONDAY APRIL 4, 2005

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

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

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 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items

(City Council/Redevelopment Agency) Study Session – Presentation from the Offices of the City Attorney and Finance, and the Departments of Community Services, Economic Development, and Planning Regarding Closed/Surplus Huntington Beach/Fountain Valley School Sites (.)

The City of Huntington Beach has been advised by the Fountain Valley and Huntington Beach City School Districts that they are in the process of closing and/or surplus school sites. This raises an issue for the community of the potential loss of open space as well as impacts on neighborhoods because of the possible redevelopment of these sites. For this reason, staff is conducting a study session with Council to provide an overall perspective on closed/surplus school sites citywide. This report includes information provided by the City Attorney, Finance and Economic Development, as well as Community Services and Planning.

Communication titled *Closed/Surplus School Site Issues* and PowerPoint report titled *City Council Study Session – Closed/Surplus School Site Issues* are included in the agenda packet.

Call Closed Session of City Council/Redevelopment Agency

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

(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: **PMA, FMA, HBFA, MSOA, and SCLEA**. Subject: **Labor Relations – Meet & Confer**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Number of Potential Cases: 481**. Subject: **Potential Litigation** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(A) to confer with its attorney regarding pending litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. **Number of Potential Cases: 1 (one)**. Subject: **Potential Litigation** (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)

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/Flag Salute – Pledge of Allegiance to be led by Tiger Cubs Pack 563.

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

Invocation - To be announced by Mayor.

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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Presentation - Mayor Hardy to call on Jim McLaughlin from Tarbell Realtors to present a check to Community Services Director Jim Engle and Project Self-Sufficiency Director Susan Edwards from the Huntington Beach/ Fountain Valley Realtors of Orange County Association of Realtors. The \$5,000 check is to provide scholarships to Self Sufficiency participants. (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.

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/Redevelopment Agency) Public Hearing to Consider Adoption of Resolution No. 2005-28 for the City to Vacate One-Half of the Public Alley (Right-of-Way Located within Block 105, Bounded by Walnut Avenue, 5th Street, 6th Street and Pacific Coast Highway) and Approve Execution of Quitclaim Deeds for Conveyances from the City and from the Redevelopment Agency to Property Owner Shirley D. Worthy, et al. (.)

Communication from the Acting Public Works Director and the Economic Development/Deputy Executive Director.

Public hearing to consider approval of the vacation of a portion of the alley right-of-way commonly referred to as the northwesterly one-half of the alley located within Block 105, as shown on the Map of Huntington Beach, in the City of Huntington Beach, County of Orange, State of California, bounded on the north by Walnut Avenue, on the west by Sixth Street, on the east by Fifth Street and on the south by Pacific Coast Highway and depicted in the attached map.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the proposed vacation. If there are any further questions please call the Public Works Department at (714) 536-5431. Written communications should be directed 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:

City Council Actions:

1. Open, conduct and close the Public Hearing;

and

2. Adopt **Resolution No. 2005-28** – “*A Resolution of the City Council of the City of Huntington Beach Vacating a Portion of the Alley Right-of-Way Located within Block 105 in Downtown Huntington Beach*” (Attachment 3) to vacate one-half of the public alley bounded by Walnut Avenue, 5th Street, 6th Street and Pacific Coast Highway as described in the attached legal description and as shown on the attached plat map;

and

3. Authorize the Mayor and City Clerk to execute the *Quitclaim Deed* relinquishing any interest in the half alley and conveying the half alley to the Redevelopment Agency.

Redevelopment Agency Action:

Authorize the Agency Chairperson and Agency Clerk to execute the *Quitclaim Deed* conveying the half alley to Shirley D. Worthy, et al.

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 March 7, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

E-2. (City Council) Approve Final Tract Map No. 16675 of Tentative Tract Map No. 16675 (Harbinger Homes Lot 1 Subdivision) Located at 19042 and 19052 Delaware Street (East Side of Delaware Street, South of Garfield Avenue) – Approve Subdivision Agreement between the City and Harbinger Homes, Inc. (420.60) **1.** Approve Final Tract Map No. 16675 and accept the offer of dedication, improvements, and bonds pursuant to findings and requirements (ATTACHMENT NO. 1); and **2.** Approve the *Subdivision Agreement By and Between the City of Huntington Beach and Harbinger Homes, Inc. for Tract No. 16675* and authorize execution by the Mayor and City Clerk. (ATTACHMENT NO. 6). **Attachment No. 1 – Findings for Acceptance of Final Map (1)** Final Tract Map No. 16675 is in conformance with the California Subdivision Map Act, the City of Huntington Beach Subdivision Ordinance and Tentative Tract Map No. 16675 Conditions of Approval, as approved by the Planning Commission. **Requirements: (1.)** Acceptance of offer of dedication shall be subject to completion of improvements and requirements shown on the final map. **(2.)** The City Clerk shall file the following bonds with the City Treasurer: (a) Faithful Performance Bond No. 661112540 (Attachment No. 7); (b) Labor and Material Bond No. 661112540 (Attachment No. 7); and (c) Monument Bond (Attachment No. 7). **(3.)** The City Clerk shall affix her signature to the map and release it for recordation by the County of Orange. Submitted by the Planning Director. Funding Source: Not Applicable.

E-3. (City Council) Approve Amendment 2 to the Professional Services Contract between the City and Atrilogy Solutions Group, Inc. for Technical Support Personnel (.) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to Professional Services Contract between the City of Huntington Beach and Atrilogy Solutions Group, Inc. for Technical Support Personnel*. Submitted by the Acting Information Services Director. Funding Source: Funds for Information Systems Professional Services provided by this agreement are currently budgeted in the BEACH Project fund (Account No. 30143002.86100). No additional funds are needed.

E-4. (City Council) Approve Contract CP-0410 between the Orange County Sanitation District (OCSD) and the City for the Fiscal Year 2004/05 Cooperative Projects Program (.) Approve and authorize the Mayor and City Clerk to execute the *Orange County Sanitation District Cooperative Projects Program Contract – Contract No. CP-0410*. Submitted by the Acting Public Works Director. Funding Source: Funds in the amount of \$50,000 are available from the Sewer Service Charge, Account No. 51189002.82500. Up to \$25,000 will be reimbursed by the District upon completion of the monitoring project.

E-5. (City Council) Approve Amendment No. 10 of Cooperative Agreement No. C-95-975 between the Orange County Transportation Authority (OCTA) and the City to Receive Combined Transportation Funding Program (CTFP) Funds (.) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 10 to Cooperative Agreement No. C-95-975 between Orange County Transportation Authority and the City of Huntington Beach*. Submitted by the Acting Public Works Director. Funding Source: No funding source is required for this action.

E-6. (City Council) Approve Amendment No. 2 to Agreement between the City and Moreland & Associates, Inc. for Property Tax Refund Claims Processing and Project Manager Customer Service Assistance- Authorize the Appropriation of \$70,000 from the Property Tax Override Refund Fund to Fund the Amendment (.) – 1. Approve Amendment No. 2 to Agreement between the City of Huntington Beach and Moreland & Associates, Inc., for Project Manager Assistance Processing Property Tax Override Refunds and authorize the City Administrator to execute the agreement; and 2. Authorize the appropriation of \$70,000 from the undesignated Property Tax Override Refund Fund (707) balance to the Property Tax Override Refund Expense Account No. 70730101.69365 (contractual services) to fund the amendment to the agreement. Submitted by the City Attorney and the Finance Officer. Funding Source: Property Tax Override Refund Undesignated Fund Balance (Fund 707 – Fiscal Impact Statement attached).

F. Administrative Items - None

G. Ordinances

G-1. Ordinance for Adoption

G-1a. (City Council) Adopt Ordinance No. 3702 Amending the Downtown Specific Plan of the City of Huntington Beach (Timeshares) - Ordinance No. 3702 - “An Ordinance of the City of Huntington Beach Amending the Downtown Specific Plan of the City of Huntington Beach.”
(Approved for introduction at the Public Hearing on March 21, 2005.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3702**, by roll call vote.

G-2. Ordinance for Introduction

G-2a. (City Council) Approve for Introduction Ordinance No.3704 Amending Chapter 5.64 of the Huntington Beach Municipal Code Relating to Administrative Expenses for Bingo Games (.) - Ordinance No. 3704 – “An Ordinance of the City of Huntington Beach Amending Chapter 5.64 of the Huntington Beach Municipal Code Relating to Administrative Expenses for Bingo Games.”

Recommended Action: After the City Clerk reads by title, approve for introduction **Ordinance No. 3704**, by roll call vote.

H. City Council/Redevelopment Agency Items

H-1a. Submitted by Councilmember Gil Coerper

(City Council) Approve and Communicate to State Assemblyman Tom Harman the City’s Position to Oppose Assembly Bill 991 (DeVore) which would Change the Structure of the Orange County Vector Control Board of Trustees and Approve Adoption of Alternate Resolution (.)

Communication from Councilmember Gil Coerper transmitting the following **Statement of Issue:** Last month, the Orange County Vector Control District (OCVCD) called to order their 700th

meeting—almost 60 years of serving the people of Orange County. As the county grew and new cities came into existence, each city had an appointed trustee to represent its interests. The Board of Trustees grew to 35, one trustee for each city and one for the county. These trustees are liaisons to their cities appointed by each City Council for a term of either two or four years.

The DeVore bill would change the Board membership to seven members, two appointed by the county's Board of Supervisors and five by a selection committee.

Attachments:

1. AB 991 (2/22/05)
2. A Resolution of the OCVCD (3/17/05)
3. A Roster of the Assembly Committee on Local Government

Note 1: AB 991 has been modified to impact only the Orange County Vector Control District.

Note 2: The Committee on Local Government meets on Tuesday, April 5, 2005.

Recommended Action: Motion to:

1. Oppose AB 991 (DeVore);

and

2. Approve a resolution similar to the one passed by the OCVCD (27-2);

and

3. Communicate this position to Assemblyman Tom Harman and to the members of the Assembly Conference on Local Government (FAX: 408-277-2048).

H-2a. Submitted by Councilmember Dave Sullivan

(City Council) Reconsider to Approve Entitlement Plan Amendment No. 04-08 (Nautical North Residential Development – Rear Slope Terminus of Marygate Circle, West of Edwards Street, South of Ellis Avenue) Filed by Applicant, Fred Tinker (Denied 3/21/05) and Schedule New Public Hearing (.)

Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue:** The City Council denied this item at the March 21, 2005, City Council meeting after conducting a public hearing. I voted on the prevailing side during this meeting and am requesting that the City Council reconsider this matter. If a motion to reconsider is granted, staff would be directed to set the public hearing for the earliest available City Council public hearing date.

Attachment: Staff Report

Recommended Action: Motion to:

Approve the motion to reconsider approval of Entitlement Plan Amendment No. 04-08 and set the matter for a public hearing at the earliest available date.

H-3a. Submitted by Councilmember Keith Bohr**(City Council) Approve Formation of Committee Appointing Keith Bohr and other Councilmembers to Meet with Planning and Economic Development Departmental Staff to Review Residential Parcels Adjacent to Beach Boulevard for Potential Conversion of Use from Commercial to Residential – Direct Staff to Return to Council with a Recommendation for the Land Use Designations for the Properties. (.)**

Communication from Councilmember Keith Bohr transmitting the following **Statement of Issue**: On February 22, 2005, the City Council denied Negative Declaration No. 04-02 and General Plan Amendment No. 04-02. The action related to changing the General Plan designation from commercial back to residential in a number of areas along Beach Boulevard. The 2005 action was a follow-up to Council direction in 2000 when, after public testimony, the Council declined to change the zoning for the area from residential to commercial to bring it into compliance with the General Plan designation. Instead, the Council directed that staff initiate a General Plan Amendment to change the General Plan designation for these areas back to residential. The original change to the General Plan for these areas was approved in 1996 as part of a comprehensive update of the General Plan, which was designed to encourage a mixed-use zone along Beach Boulevard to foster more commercial development.

Significant time had passed since the direction from the City Council in 2000. In the intervening five years, economic needs changed city wide. As a result, the City Council decided not to process the General Plan Amendment and directed staff to work on a development plan for Beach Boulevard.

There are several residential parcels within the affected area which I believe could have a residential General Plan designation and zoning with little impact on future commercial development. I would like to propose that the City Council appoint me and one or two other Council representatives to meet with Planning and Economic Development staff to carve out residential uses in these areas that would not be appropriate for commercial development. This way, those parcels not needed for commercial development could be upgraded at the owner's discretion. At the same time, it would allow us to continue with the Beach Boulevard development plan without holding up residents for a plan that would most likely never result in conversion of their property to a commercial use.

Should the City Council be willing to consider this request, I would like to return to the City Council with the appropriate documents to remove the unneeded parcels from the Beach Boulevard plan and initiate a General Plan Amendment and environmental review for the carved out parcels, as appropriate.

Recommended Action: Motion to:

Recommend that the City Council designate me and one or two other Council Members to meet with staff to tour residential parcels located adjacent to and/or just off of Beach Boulevard for potential conversion from commercial back to residential use. Review of parcels should be limited to those identified in the February 22, 2005, staff report, which are not needed for commercial development. It is further recommended that the staff be directed to return with a recommendation for the land use designations for the properties.

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, April 18, 2005, at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

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

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