

**Special/Adjourned and Regular Meeting  
Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

Monday, April 5, 2004  
4:00 P.M. – Room B-8  
5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 4:00 p.m. portion of this meeting  
and a videotape of the 7:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

**Call to Order**

Mayor Green called the special/adjourned meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:00 p.m. in Room B-8.

**City Council/Redevelopment Agency Special Meeting Roll Call**

Present: Coerper, Green, Boardman, Cook (Sullivan arrived at 4:03 p.m.; Hardy arrived at 4:05 p.m.)

Absent: Houchen

**(City Council) *Call for Special Meeting at 4:00 P.M. for the Purpose of the Study Session Presentation by Drs. Peter Green and Richard Meyer, Assistant Manager of Orange County Vector Control Re: the West Nile Virus - 4:00 P.M. to 5:00 P.M. - Room B-8 for Special/Adjourned Regular Meeting – 5:00 P.M. Regular Meeting Commences***

On March 25, 2004 the City Council adjourned to 4:30 P.M. Subsequently, the need arose to meet at 4:00 P.M. The appropriate legal notices have been posted and distributed by the City Clerk's Office in order for Council to convene at 4:00 P.M. The *Call for Special Meeting* at 4:00 p.m. was for the purpose of discussing the Study Session item.

The *Call for Special Meeting Notice* sets forth that the Special Meeting is necessary to allow the City Council/Redevelopment Agency to meet at 4:00 p.m., rather than at 4:30 p.m. which was the time announced to the public at the March 25, 2004 meeting.

The *Call for Special Meeting Notice* is as follows:

**CALL FOR CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING**

**CITY OF HUNTINGTON BEACH  
MONDAY, APRIL 5, 2004**

(Continued on the next page)

Cathy Green, Mayor  
Jill Hardy, Mayor Pro-Tem  
Dave Sullivan, Council Member  
Gil Coerper; Council Member  
Debbie Cook, Council Member  
Pam Houchen, Council Member  
Connie Boardman, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the **Lower Level, Room B-8 at the Civic Center, 2000 Main Street, Huntington Beach, CA 92648** at the hour of **4:00 p.m.** on **Monday, April 5, 2004** to allow for Public Comments and the following Study Session to be held:

**(City Council) Study Session – Presentation by Drs. Peter Green and Richard Meyer, Assistant Manager of Orange County Vector Control Re: the West Nile Virus (520.85)**

Doctor Peter Green, Chair, and Doctor Richard Meyer, Assistant Manager of Orange County Vector Control, will make a presentation regarding the West Nile Virus. (Refer to Agenda Item C-1a regarding a video report to be presented by Dr. Peter Green at the 7:00 p.m. portion of the meeting.)

**\*\*PowerPoint presentation titled *Orange County and West Nile Virus – Cities Will Play a Pivotal Role* is included in the agenda packet.**

Dated: March 31, 2004

by: /s/ Liz Ehring  
ATTEST: Assistant City Clerk

/s/ Cathy Green  
Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:00 p.m. on Sunday, April 4, 2004.

/s/ Cathy Green  
Mayor

*End of Call for Special Meeting Notice*

**(City Council) Study Session Held – Presentation Made by Dr. Richard P. Meyer, Assistant Manager of the Orange County Vector Control District Regarding the West Nile Virus (520.85)**

Doctor Richard P. Meyer, Assistant Manager of Orange County Vector Control District, presented a PowerPoint slide show titled *Orange County and West Nile Virus – Cities Will Play a Pivotal Role*, which was included in the agenda packet. Dr. Meyer submitted a copy of a video that was presented at the 7:00 p.m. portion of the meeting.

Dr. Meyer referred to Pages 2 and 3 of the PowerPoint, which was included in the agenda packet, stating various agencies' responsibilities such as the State Health CDC (Center for Disease Control), the Orange County Vector Control and Orange County Health Department.

Dr. Meyer informed Council that the *West Nile Virus* is a disease of the central nervous system and described symptoms as flu-like and can lead to delirium.

Council inquired regarding reporting potential mosquito breeding areas, which Dr. Meyer stated are handled as anonymous calls to Vector Control at 714-971-2421 if "green pools" (standing pools of water) are noticed on private residences. Dr. Meyer informed Council that this service is provided free of charge.

Public Works Maintenance Operations Manager Jim Jones reported in response to Council inquiry, that the City provides vector control services and that a technician team is dedicated to checking the wetlands.

Dr. Meyer replied to Council inquiry regarding additional funding that is needed for the Orange County Vector Control District to continue with the *West Nile Virus* and *Fire Ant* issues and possible funding options.

Councilmember Sullivan asked regarding benefit assessment district and the approval process.

Dr. Meyer presented options, including by advisory vote measure.

Concern regarding fire ant infestation and stopping the program due to budget cutbacks was discussed. Dr. Meyer responded to inquiry, that funding comes in part from County property taxes.

Mayor Cathy Green asked how horses are affected as the city has an equestrian center. Dr. Meyer responded that horses are at risk and recommended calling County veterinarian for possible inoculation.

Dr. Meyer informed Council regarding human vaccines, which is in the process; however he stated problems for approval exist, which includes cost issues.

Mayor Green thanked Dr. Meyer for his presentation.

### **Motion to Recess to Closed Session – Approved**

A motion was made by Sullivan, second Hardy to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook

NOES: None

ABSENT: Houchen

**City Council/Redevelopment Agency Special/Adjourned Meeting Adjournment** – At 4:30 p.m. the Special Meeting was adjourned and the Adjourned Regular City Council/Redevelopment Agency Meetings commenced with all members that were present at Special Meeting roll call and Councilmember Houchen who arrived during Closed Session. The Regular 5:00 p.m. Meeting also pertained to the Closed Session items.

**(City Council) Closed Session** – Pursuant to Government Code Section 54957 to consider personnel matters. Subject: **Appointment of Acting City Administrator.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. Huntington Beach Police Officers' Association**; United States District Court Case No. SA 01-1125 JVS; and **Scottsdale Insurance Company v. Huntington Beach Police Officers Association**, and the related counterclaim, **American States Insurance v. City of Huntington Beach**, United States District Court Case No. SA 03-1143 JVS. Subject: **City of Huntington Beach v. HBPOA (Gun Range), and related cases.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Charles Nowotny v. Johnson, City of Huntington Beach, et al.**; U.S. District Court Case No. CV 99-13098-FMC (consolidated with Case No. CV 01-9842. Subject: **Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach**, Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 (Opp I) and **Opp v. City of Huntington Beach, et al; al.**; Orange County Superior Court Case No. 748927, Court of Appeals Case No. G030601 (Opp II). Subject: **Opp v. City of Huntington Beach, et al. (Opp 1 and Opp 2).** (120.80)

**City Council Closed Session** - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: 1 to 200. (120.80)

**(City Council) Closed Session** - Pursuant to Government Code Section 54956.9(a) to confer with its City Attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Praise Christian Center v. City of Huntington Beach, et al.**; United States District Court Case No. SACV03-1504 GLT. Subject: **Praise Christian Center v. City of Huntington Beach, et al.** (120.80)

**(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

**Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**

**City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

Absent: None

**No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).**

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

**(City Council) Mayor Cathy Green Announced Report of Action Taken by the City Council in Closed Session on April 5, 2004 Regarding the Appointment of William P. Workman to Serve as Acting City Administrator Pursuant to Government Code Section 54957.1(a) (2) – No Vote Reported Out at Meeting (120.80)**

Mayor Cathy Green announced that on Monday, April 5, 2004 the City Council convened in Closed Session to discuss the matter of the Appointment of Acting City Administrator.

City Council voted to approve William P. Workman to serve as the Acting City Administrator of the City of Huntington Beach until a permanent City Administrator has been employed.

No vote was given at the meeting. Subsequent to the meeting a memo was received from the City Attorney reporting the vote count.

The Council voted as follows: 7 Ayes; 0 Noes

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

**Invocation** – led by Paula Swavely, Church of Religious Science

**The Assistant City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehring announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Dorothy Boesch dated April 5, 2004 and titled *peace pole* stating her opposition to placing the proposed peace pole at the library or city hall.

Communication submitted by George and Charlotte Mason dated April 5, 2004 and titled *ASCON/NESI burst oil well and related problems* requesting Council investigate the failure of elements which resulted in the recent oil well rupture in order to properly protect the residents of South East Huntington Beach from problems associated with the burst oil well and improper use of the storage tanks on the Ascon/Nesi hazardous waste site.

Communication submitted by the Public Works Department dated April 5, 2004, a PowerPoint presentation titled *Item D-1 Peninsula at Huntington Seacliff Vehicle Code Enforcement- Police Department – Public Works Department* outlining proposed enforcement provisions.

Communication submitted by Jim Gesner dated April 5, 2004 and titled *Traffic Enforcement Support Issue* stating his support of the Peninsula Homeowners Association's request for proposed traffic enforcement.

Communication submitted by Todd Dean dated April 3, 2004 and titled *Rebuttal to Rumley* (referring to a communication included in the agenda packet) urging Council to pass the proposed resolution to avoid a possible serious vehicular accident in the future.

Communication submitted by Sheldon and Shell Grossman dated April 5, 2004 and titled *Public Hearing of 4/5/2004 Huntington Harbour Bay Club* stating their support for the proposed construction of homes on the site of the Huntington Harbour Bay Club property.

Communication submitted by the Community Services Department dated April 5, 2004 and titled *Correction to Item E-3, Approve Additional Budget Allocation, VIP Pier Seating, and Parking Revenue for the 2004 4<sup>th</sup> of July Fireworks Show* replacing the first motion listed on the *Request for Council Action*.

Communication submitted by Administration dated April 5, 2004 correcting a typographical error on Item 6 of the PowerPoint presentation titled *Intergovernmental Relations Committee - Recommendations for Legislative Action - April 5, 2004*, which was included in the agenda packet.

Communication submitted by the City Treasurer dated April 5, 2004 and titled *Late Communication on Item F-1 #-2 AB 2442 (Harman) Property Tax State Assessed Property Taxes* requesting Council to support the bill as amended on March 25th, 2004.

**The Following Additional Late Communications Were Submitted During the Meeting:**

Communication submitted by Dr. Richard P. Meyer, Assistant Manager of Orange County Vector Control District (undated) and titled *Orange County Vector Control District – WNV – A Shared Responsibility*, which is a copy of the videotape presentation given at the 7:00 p.m. portion of the meeting concerning West Nile Virus prevention.

Communication submitted by Norman Furuta dated April 5, 2004 (untitled) stating opposition to the agenda item concerning a proposed zoning change regarding the vacant land owned by his mother on Nichols Street across from the Rainbow Disposal plant.

**Presentation** made by Mayor Cathy Green and Planning Director Howard Zelefsky who presented commendations to Charlotte Mason and Forest Harrell for their 20 years of volunteer service on the NESI/Ascon Adhoc Committee. Howard Zelefsky expressed appreciation on behalf of the city and the community to Ms. Mason and Mr. Harrell for their years of dedicated volunteer service. (160.40)

**Presentation** made by Mayor Cathy Green who presented a proclamation in honor of National Arbor Day, April 26, 2004, to Jean Nagy, representative of the Huntington Beach Tree Society and Elaine Craft, representative of the Huntington Beach Women's Division of the Chamber of Commerce. Jean Nagy announced the official city tree planting is at 11:00 a. m. behind the Youth Center at the Central Library where a sycamore tree would be planted. Jean Nagy stated the need for volunteers to water trees. Elaine Craft spoke regarding the City of Huntington Beach's participation in Tree City USA. (160.40)

**Presentation** made by The Huntington Beach/Fountain Valley Realtors of Orange County who presented a check for \$5,000 to Mayor Cathy Green and Community Services Director Jim Engle for Project Self-Sufficiency scholarships. (160.40)

**Presentation** made by Community Services Chair Nick Tomaino who presented an award from the California Parks and Recreation Society to Mayor Cathy Green and Community Services Director Jim Engle for being a statewide winner for park design for the Huntington Beach Sports Complex. Director Engle announced the grand opening ceremony for the Huntington Beach Sports Complex would be Saturday, April 24, 2004 starting at 6:00 p.m. (160.40)

### **Public Comments**

**Paula Swavely**, Minister of the Church of Religious Science, informed Council of the meaning of the proposed Peace Pole as bringing the community together in peace. Ms. Swavely stated 2,000 such peace poles exist.

**Bob Traver** concurred with the first speaker, Ms. Swavely, and spoke in favor of city acceptance of the proposed Peace Pole.

**Peggy Price**, former Senior Minister at the Church of Religious Science, spoke concerning the symbolic meaning of the proposed Peace Pole, which is not intended as a source of upset. Ms. Price stated it would not be necessary to display the Church's name on the proposed Peace Pole.

**Dorothy Boesch**, representing Friends of the Library, spoke in opposition of the proposed Peace Pole stating that in her opinion, no reminder is needed for wanting peace. Ms. Boesch informed Council her belief that the library is not an appropriate location for a Peace Pole.

**Norman Furuta** spoke on behalf of his mother, who he stated would be adversely affected if the proposed vacant land zoning change item on tonight's agenda were approved. Mr. Furuta stated the proposed zoning change from residential to commercial or industrial on Nichols Street would cause the land to be unmarketable. He informed Council that Rainbow Disposal would not oppose an affordable apartment development at that location.

**Tom Lash** brought paint balls found subsequent to the Paint Ball Tournament held on the beach. He spoke regarding what he considers to be paint ball marketing that has an adverse impact on children. Mr. Lash invited Council to attend the Arlington West project to honor the fallen soldiers of the war in Iraq.

**John Earl** spoke in support of the proposed Peace Pole. He stated his opposition to the proposed desalination plant. Mr. Earl informed Council of the reasons why he opposes the City's agreement with the Coca Cola Company and asked Council to place this item on a future agenda.

**Dan Jamieson** spoke regarding his opposition to the McDonnell Douglas site of the Boeing Company due to dust pollution factors. Mr. Jamieson urged Council to shut down the construction site until code compliance is achieved.

**Angela Sykes** spoke in favor of the Public Hearing agenda item concerning proposed police traffic enforcement in the Peninsula at Huntington Seacliff Residential Community. Ms. Sykes stated her opinion that there is a need for enforcement for the safety of children.

Assistant City Clerk Liz Ehring announced that Angela Sykes would need to speak again at the Public Hearing if she wanted her comments to become a part of the public record pertaining to the proposed traffic enforcement in the Peninsula neighborhood.

City Attorney Jennifer McGrath explained the difference between public comments and public hearing comments in response to Councilmember Sullivan.

**Teddi Alves** spoke concerning a code violation problem. Ms. Alves spoke in opposition to the City permit process required for home improvement.

**Christine Szymanek** spoke in gratitude of the Project Self-Sufficiency Outreach Program and how it has assisted her in many aspects of her life. Ms. Szymanek thanked Council for their support of the program.

**Hans Herchert** voiced a parking citation problem due to the street sweepers in his housing tract. Mr. Herchert spoke regarding the Parking Citation Request for a Hearing process, which he stated is not a convenient forum for him.

Councilmember Connie Boardman stated Mr. Herchert could submit a blue follow-up card for city staff to contact him. Councilmember Boardman inquired and the Director of Public Works Robert F. Beardsley responded concerning the hearing process.

**Van Champion** spoke regarding the new voting machines and requested that Council find means for a voting paper trail, which he stated in his opinion would ensure an accurate vote count. Mr. Champion thanked Council for their participation in helping our city.

**(City Council) Presentation Made of a Video Report from Orange County Vector Control on the West Nile Virus - Reviewed by Mayor Cathy Green (520.85)**

A video report from Orange County Vector Control was presented titled *Orange County Vector Control District – WNV – A Shared Responsibility*, which was given to staff at the 4:00 p.m. Study Session portion of the Special Meeting.

Mayor Cathy Green announced two birds in Orange County and one bird in Los Angeles County are infected with the West Nile Virus. She stated that mosquitoes carry West Nile Virus and standing pools of water should be avoided. Mayor Green provided the Orange County Vector Control contact number, which is 714-971-2421.

**(City Council) Approved as Amended - Accepted the Donation by the Church of Religious Science of a Peace Pole – Approved a Substitute Motion to Install the Peace Pole at a Site Adjacent to the Flags and the Fountains at Huntington Beach City Hall Courtyard (100.10)**

The City Council considered a communication from Councilmembers Dave Sullivan and Gil Coerper transmitting the following **Statement of Issue**: On May 19, 2003, the City Council directed staff to present to the Library Board the installation of a Peace Pole, donated by the Church of Religious Science, at the Central Library and forward the Library Board's recommendation to the City Council for their consideration. The Library Board discussed the installation and voted on a recommendation to the City Council. The majority of the Library Board recommended against the pole's installation at the Central Library (3 against, 2 for, 2 abstain). Pursuant to the City Council's May 19, 2003, directive, the issue is being submitted for the City Council's consideration.

Councilmember Sullivan reported and gave a timeline synopsis of events concerning the proposed peace pole.

Councilmember Cook spoke in opposition to acceptance of the proposed peace pole due to the issue of constitutionality. She stated the need for a city policy concerning the acceptance of monuments.

City Attorney Jennifer McGrath reported and provided legal opinion relating to the acceptance of the proposed peace pole. She stated Council could accept the pole without setting forth the location of the placement of the pole at this time.

Councilmember Coerper received clarification from City Administrator Ray Silver concerning the monument at Pier Plaza.

Community Services Director Jim Engle reported and described the methodology concerning monument benches.

An **amended motion** was made by Coerper, second Green to: 1) accept the peace pole; and 2) return to Council at the April 19, 2004 meeting when the placement of the pole will be determined. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Houchen

NOES: Cook

ABSENT: None

Considerable discussion was held concerning placement of the peace pole.

A motion was made by Houchen, second Cook to place the peace pole by the war memorial at City Hall. The motion was subsequently **withdrawn** by the maker and the second.

A **substitute motion** was made by Green, second Sullivan to place the accepted peace pole adjacent to the flags and the fountains at the City Hall courtyard. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

**(City Administrator's Report) Overview Provided of the Ascon Landfill Oil Well Rupture on March 17, 2004 (Krik 80 Oil Well Located Near Magnolia Street and Banning Avenue) (810.20)**

The City Council received a brief overview of the oil well rupture incident that occurred on March 17, 2004, at the Krik 80 oil well located near the Magnolia/Hamilton/Banning area. The oil spray impacted 360 homes in surrounding neighborhoods.

Fire Chief Duane Olson orally reported on the notification and response from county, state and federal agencies in addition to appropriate city departments and staff. Fire Chief Olson informed Council that there is an investigation regarding the responsible party in conjunction with the Environmental Protection Agency. Fire Chief Olson stated cleanup is in the process, and that a toxicology report is to be expected to ensure that there is not a health hazard.

Councilmember Coerper thanked Fire Chief Olson for an outstanding job.

Councilmember Boardman thanked the property owners, CERT (Community Emergency Response Team), RACES (Radio Amateur Citizens Emergency Services) volunteers and city staff for their help with the cleanup efforts.

Mayor Cathy Green expressed appreciation to Fire Chief Olson and all those involved in the cleanup process.

**(City Council) Public Hearing Held – Adopted Resolution No. 2004-18 Enabling the City's Police Department to Enforce California Vehicle Code Provisions on Private Streets within The Peninsula at Huntington Seacliff Residential Community (Located in the Vicinity of Summit Drive and Peninsula Lane) (580.40)**

The City Council considered a communication from the Police Chief and the Public Works Director.

Mayor Green announced that this was the time noticed for a public hearing to consider the adoption of a resolution to enable the City's Police Department to enforce California Vehicle Code Provisions on the private streets within the gated community of the Peninsula at Huntington Seacliff residential community, which is located in the vicinity of Summit Drive and Peninsula Lane.

Two communications included in the agenda packet were submitted by: 1.) Eric and Linda Rumley titled *Re: Enforcement of California Vehicle Code Provisions on Private Streets in the Peninsula at Huntington Seacliff Residential Community* and dated March 29, 2004, requesting deferment of Public Hearing; and 2.) Thomas A. Hohman titled *Resolution for Enforcement of California Vehicle Code Provision on Private Streets in The Peninsula Seacliff Residential Community* and dated March 30, 2004 in support of proposed Resolution.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Public Works Director Robert F. Beardsley presented a PowerPoint report dated April 5, 2004 titled *Item D-1 Peninsula at Huntington Seacliff - Vehicle Code Enforcement - Police Department - Public Works Department* prepared jointly with Police Chief Kenneth Small which had been announced earlier by Assistant City Clerk Liz Ehring as a Late Communication.

Police Chief Kenneth Small reported the impact on enforcement staffing would be minimal in response to Councilmember Coerper's inquiry.

Mayor Cathy Green declared the public hearing open.

Prior to announcing the public speakers, Assistant City Clerk Ehring restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by the Public Works Department dated April 5, 2004, a PowerPoint presentation titled *Item D-1 Peninsula at Huntington Seacliff Vehicle Code Enforcement- Police Department – Public Works Department* outlining proposed enforcement provisions.

Communication submitted by Jim Gesner dated April 5, 2004 and titled *Traffic Enforcement Support Issue* stating his support of the Peninsula Homeowners Association's request for proposed traffic enforcement.

Communication submitted by Todd Dean dated April 3, 2004 and titled *Rebuttal to Rumley* (referring to a communication included in the agenda packet) urging Council to pass the proposed resolution to avoid a possible serious vehicular accident in the future.

**Todd Dean**, representing the Peninsula Homeowners' Association, spoke concerning traffic and safety problems in the Peninsula neighborhood. Mr. Dean spoke in favor of the proposed police vehicle code enforcement within the private streets of the Peninsula residential community.

**Mike Jacobs** stated he is a resident of the Peninsula community at Huntington Seacliff. He spoke in support of the proposed authorization of enforcement by the Huntington Beach Police Department for traffic code violations in the Peninsula neighborhood. Mr. Jacobs urged Council's support of this agenda item.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Cook, second Coerper to adopt **Resolution No. 2004-18** - "*A Resolution of the City of Huntington Beach Authorizing the Huntington Beach Police Department to Enforce California Vehicle Code Provisions on Private Streets in the Peninsula at Huntington Seacliff Residential Community.*"

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

**(City Council) Public Hearing Held - Adopted as Amended Resolution No. 2004-19 and Approved for Introduction as Amended Ordinance No. 3634 with Four Requirements: 1) Small Lot Development Standards; 2) 28 Foot Street Widths; 3) Beach Maintenance by the Homeowners Association or the Property Owner Until Beach is Dedicated; and 4) the Former Barefoot Bar Will Not be Developed but Maintained as an Amenity - Local Coastal Program Amendment (LCPA) No. 01-01 – Zoning Text Amendment (ZTA) No. 01-05 (Amending Huntington Harbour Bay Club Specific Plan No. 4) and Requesting its Certification by the California Coastal Commission -- Located at 4121-4281 Warner n/s of Warner between Sceptre and Edgewater Lanes (Amended Specific Plan (Area B) Requires Affordable Housing Plan) (Applicant: Mike Adams) (420.85)**

The City Council considered a communication from the Planning Director.

Mayor Green announced that this was the time noticed for a public hearing to consider approval of Local Coastal Program Amendment No. 01-01/Zoning Text Amendment No. 01-05 (Huntington Harbour Bay Club Specific Plan Amendment).

**Applicant:** Mike Adams, Adams and Associates

**Request: Local Coastal Program Amendment (LCPA):** To amend the City's Local Coastal Program in accordance with the proposed ZTA and forward to the California Coastal Commission for final certification.

**Zoning Text Amendment (ZTA):** To amend Specific Plan No. 4 (Huntington Harbour Bay Club Specific Plan) by: **1)** Allowing residential use in Planning Area B; **2)** Adding development standards for the future residential development in Planning Area B; **3)** Reconfiguring Planning Areas A through D; and **4)** Updating the overall format of the Specific Plan.

**Location:** 4121-4281 Warner Avenue (North side of Warner Avenue, between Sceptre Lane and Edgewater Lane)

**Environmental Status:** Notice is hereby given that this Agenda item is covered by Mitigated Negative Declaration No. 01-06.

**Appealable Jurisdiction of Coastal Zone:** Notice is hereby given that this Agenda item is located in the appealable jurisdiction of the Coastal Zone and includes Local Coastal Program Amendment No. 01-01 filed on June 19, 2001, in conjunction with the above request. The LCPA will be forwarded to the California Coastal Commission if approved by the City Council.

Assistant Planner Ricky Ramos presented a PowerPoint report titled *ZTA 01-05/LCPA 01-01 Huntington Harbour Bay Club Specific Plan Amendment* which was included in the agenda packet.

Planning Director Howard Zelefsky orally reported concerning street width requirements at the request of Councilmember Coerper.

Discussion was held among Council and staff regarding landscaping, street width requirements, parking and California Coastal Commission requirements.

Mayor Cathy Green declared the public hearing open.

Prior to announcing the public speakers, Assistant City Clerk Liz Ehring restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by Sheldon and Shell Grossman dated April 5, 2004 and titled *Public Hearing of 4/5/2004 Huntington Harbour Bay Club* stating their support for the proposed construction of homes on the site of the Huntington Harbour Bay Club property.

**Mike Adams**, representing the applicant Adams and Associates, informed Council of his intent to meet the City's existing parking requirements and stated reasons for his proposed exceptions to the City's adopted small lot development standards. Mr. Adams urged Council support.

**Robert Meyers** spoke in favor of the proposed Huntington Harbour project, stating his belief it is a fine proposal for redevelopment.

**Doris Ahadpour** stated she is the owner of the Huntington Harbour Bay Club and spoke in favor of the proposed redevelopment project.

Councilmember Cook received clarification from Ms. Ahadpour relative to more of a preferred use by the Coastal Commission.

**Bill Hartge** stated his belief that the existing Huntington Harbour neighbors prefer homes rather than commercial buildings. Mr. Hartge spoke in favor of the proposed Huntington Harbour redevelopment project.

**John Szot** spoke in opposition to the proposed Huntington Harbour Bay Club Specific Plan zoning changes. He stated his belief the proposed project would create parking and safety issues and destroy existing views.

**Van Champion** spoke in opposition to the proposed rezoning of the project. Mr. Champion stated his belief that the existing land should be used by all citizens rather than for eleven proposed homeowners.

**Dick Harlow**, representing the applicant, reported on street parking in response to Council request. He stated the existing Huntington Harbour Bay Club is the only area being considered for proposed rezoning. Mr. Harlow spoke in favor of the proposed project.

Discussion ensued between Council and staff concerning proposed parking issues and small lot development standards.

Mayor Cathy Green declared the public hearing closed, however Robert Sniffen stated he wished to speak on the matter of the public hearing.

Mayor Cathy Green reopened the public hearing.

**Robert Sniffen** spoke in opposition to the proposed Huntington Harbour Bay Club rezoning and redevelopment. He stated his belief the existing area should be for public usage. Mr. Sniffen urged Council to deny the proposed project.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Coerper, second Green to:

1. Approve the Planning Commission recommendation **as amended** with the addition of 28 foot street width requirement - Zoning Text Amendment No. 01-05 with modifications (Attachment No. 7) and Findings for Approval (Attachment No. 1) and approve for introduction **Ordinance No. 3634** – *“An Ordinance of the City of Huntington Beach Amending Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) by Reconfiguring Subareas A Through D, Allowing Residential Use in Subarea B, Adding Development Standards for Residential Use, and Updating the Overall Format of the Specific Plan (Zoning Text Amendment No. 01-05).”*

**and**

2. Approve Local Coastal Program Amendment No. 01-01 with Findings for Approval (Attachment No. 1) and adopt **Resolution No. 2004-19** – *“A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 01-01 (Zoning Text Amendment No. 01-05) and Requesting its Certification by the California Coastal Commission.”*

The motion **failed** by the following roll call vote:

AYES: Coerper, Green, Houchen  
 NOES: Sullivan, Hardy, Boardman, Cook  
 ABSENT: None

A motion was made by Sullivan, second Green to:

1. Approve the staff recommendation **as amended** with four requirements: 1) that the project be built with the Small Lot Standards; 2) that there be 28 foot streets; 3) that the city require the maintenance of the existing beach by the Homeowners Association (HOA) or the property owner until an irrevocable offer to dedicate the beach is accepted by a public agency; and 4) that the former Barefoot Bar not be developed as a residential unit but maintained as an amenity - Zoning Text Amendment No. 01-05 with staff recommended modifications (Attachment No. 5) and with Findings for Approval (Attachment No. 1 - **See the end of the agenda item in this set of minutes**) and approve for introduction **as amended** by the four requirements listed above - **Ordinance No. 3634** – *“An Ordinance of the City of Huntington Beach Amending Specific Plan 4 (Huntington Harbour Bay Club Specific Plan) by Reconfiguring Subareas A Through D, Allowing Residential Use in Subarea B, Adding Development Standards for Residential Use, and Updating the Overall Format of the Specific Plan (Zoning Text Amendment No. 01-05).”*

and

2. Approve Local Coastal Program Amendment No. 01-01 with Findings for Approval (Attachment No. 1 - **See the end of the agenda item in this set of minutes**) and adopt **as amended** by the four requirements listed above regarding the ordinance - **Resolution No. 2004-19** – *“A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 01-01 (Zoning Text Amendment No. 01-05) and Requesting its Certification by the California Coastal Commission.”*

The motion carried by the following roll call vote:

AYES: Sullivan, Hardy, Green, Houchen  
 NOES: Coerper, Boardman, Cook  
 ABSENT: None

#### ATTACHMENT NO. 1

#### SUGGESTED FINDINGS FOR APPROVAL

#### ZONING TEXT AMENDMENT NO. 01-05 AND LOCAL COASTAL PROGRAM AMENDMENT NO. 01-01

#### SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 01-05:

1. Zoning Text Amendment No. 01-05 to amend Specific Plan No. 4 (Huntington Harbour Bay Club Specific Plan) by: 1) reconfiguring Planning Areas A through D; 2) allowing residential use in

Planning Area B; 3) adding development standards for the future residential development in Planning Area B; and 4) updating the overall format of the Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. It will continue to allow a combination of commercial, public recreation, and residential uses which are consistent with the subject site's General Plan land use designation of M-sp (Mixed Use – Specific Plan Overlay).

2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amended Specific Plan will allow the new Planning Area B to be recycled into a residential use that is compatible with the uses prescribed for in the Specific as well as the surrounding area.
3. A community need is demonstrated for the change proposed. The existing banquet facility and tennis club is a less than compatible use. The demand for the facility has declined and the facility has fallen into disrepair. The Specific Plan amendment to allow single family residential development in place of the banquet facility and tennis club will result in a more productive use of the property and will add to the housing stock.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The amended Specific Plan will allow the replacement of an underutilized commercial facility, which represents a nominal source of sales tax and jobs, with a more compatible residential use that will provide new housing opportunities for the community.

**SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 01-01:**

1. The Huntington Harbour Bay Club Specific Plan area has a General Plan Land Use designation of M-sp (Mixed Use – Specific Plan Overlay) which permits single and mixed-use areas that may include residential and commercial uses. Local Coastal Program Amendment No. 01-01 to the Huntington Beach Local Coastal Program in accordance with Zoning Text Amendment No. 01-05 is consistent with the General Plan designation because the amended Specific Plan will continue to permit a variety of uses such as commercial, public recreation, and residential.
2. The proposed change to the Local Coastal Program is in accordance with the policies, standards and provisions of the California Coastal Act that encourage coastal dependent uses and protect public access and public recreation. The amended Specific Plan will continue to allow for the existing public marina. Additionally, public access to the shoreline and public recreational opportunities will continue to be provided while allowing for new residential development more compatible with the area. The proposed residential development will be located in an existing developed area where adequate public services are provided and where it will not have significant adverse effects on coastal resources.
3. The amended Specific Plan conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act because it will continue to require property owners in the Specific Plan area to irrevocably offer to dedicate an easement for public access and passive recreation along the shoreline and the beach and provide ten public beach access parking spaces.

**(City Council) Public Hearing Held - Approved Entitlement Plan Amendment No. 04-01 (Amendment to Conditional Use Permit No. 02-11 - Praise Christian Church Modifying Requirement in the Agreement for the Holly-Seacliff Area of Benefit Fee) – Located at 18851 Goldenwest Street (w/s of Goldenwest n/o Garfield Avenue) (Property Owner, Ronald Brindle) (420.40)**

The City Council considered a communication from the City Attorney and the Planning Director.

Mayor Cathy Green announced that this was the time noticed for a public hearing for the purpose of considering approval of Entitlement Plan Amendment No. 04-01 (Amendment to Conditional Use Permit No. 02-11 – Praise Christian Church).

**Applicant:** City of Huntington Beach

**Request:** Modification of Conditional Use Permit No. 02-11 for fees associated with the Holly-Seacliff Development Agreement.

**Location:** 18851 Goldenwest Street (west side of Goldenwest Street, north of Garfield Avenue).

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

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Planning Director Howard Zelefsky gave a verbal report.

Councilmember Cook recused herself due to residing within a 500-foot proximity of the subject property.

Mayor Cathy Green declared the public hearing open.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Boardman, second Hardy to approve Entitlement Plan Amendment No. 04-01 (Amendment to Conditional Use Permit No. 02-11/Praise Christian Church) modifying the requirement for payment of a Holly-Seacliff Area of Benefit Fee.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Houchen  
NOES: None  
ABSENT: None  
ABSTAIN: Cook

**Consent Calendar – Items Removed for Separate Discussion**

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Additional Allocation into the Fourth of July Fund for the Fourth of July Fireworks on the Beach Display (to be Reimbursed by Sponsorships, VIP Admission and Parking Revenue) – Parking Surcharge for July 4, 2004 – Closure of Pier at 5:00 P.M. for VIP Event

(City Council) Master Plan for Renovation of the Shipley Nature Center Prepared by Tatsumi and Stivers, LLA

(City Council) Appropriation Revision within the Building and Safety Department's 2003-2004 Budget to Maintain Established Levels by Expanding the Counter Plan Review Services (for Health and Safety)

### **Consent Calendar – Items Approved**

On motion by Sullivan, second Boardman Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

**(City Council/Redevelopment Agency) Minutes** (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of March 15, 2004 and Adjourned City Council and Special City Council/Redevelopment Agency Meetings of March 25, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Adopted Resolution No. 2004-17 Reciting the Facts of the Special Municipal Election and Declaring Results – March 2, 2004** (620.30) – Adopted **Resolution No. 2004-17** – *“A Resolution of the City Council of the City of Huntington Beach, California, Reciting the Facts of the Municipal Election Held on March 2, 2004 Consolidated with the County of Orange Declaring the Results and Such Other Matters as Provided by Law.”* Submitted by the City Clerk. Funding Source: Election Program Account. The March 2, 2004 Election showed a **43.8%** overall turnout. The total number of registered voters was **116,391**. Results: Measure E – City Council by District – Yes: **17,876** – No: **30,691**.)

**(City Council) Approved a Joint Powers Reimbursement Agreement with the West Orange County Water Board (WOCWB) for the City to Bid and Manage the Relocation of Vault Facilities for the Transportation of Water from the Municipal Water District of Orange County (Located at the Intersection of Newland Street and Edinger Avenue – Feeder No. 1)** (600.85) – Approved and authorized the Mayor and City Clerk to execute the *Agreement Between the West Orange County Water Board and the City of Huntington Beach for Relocation of Vault Facilities*. Submitted by the Public Works Director. Funding Source: Initial payment will be made from Water Master Plan Account. The West Orange County Water Board will then be invoiced for their portion of the work, including inspection and salaries.

**(City Council) Accepted the Public Works Department's 2003-2004 Budget Recommendations for the Fair Share Traffic Impact Fee Program Annual Report and Supported the Planned Program Expenditures (Reviewed and Approved by the Public Works Commission)** (340.20) – Accepted the 2003-2004 Traffic Impact Fee Annual Report titled *Traffic Impact Fee Program Fiscal Activity Summary 9/30/00 to Present* and supported the planned *Traffic Impact Fee Program Capital Project/Expenditure Plan*. Submitted by the

Public Works Director. Funding Source: Report recommendations will be used in reviewing the City's 2004-2005 budget for street improvements, special studies and staff expenditures related to administration and completing the program. Ultimate funding of efforts or portions of efforts will be through the Traffic Impact Fee Fund. (The *Request for Council Action* sets forth that the Public Works Commission reviewed this report on March 17, 2004 and unanimously approved the recommended action.)

**(City Council) Accepted the Annual Sanitary Sewer Facilities Fund Compliance Report for Fiscal Year 2002-2003 (Reviewed and Approved by the Public Works Commission) (1020.70)** Accepted the Annual Sanitary Sewer Facilities Fund Compliance Report for Fiscal Year 2002-2003 titled *Sanitary Sewer Facilities Fund (210)*. Submitted by the Public Works Director. Funding Source: No funding is required for this action. Revenues to the Sanitary Sewer Fund (210) are developer fees and interest allocations. Expenditures are per the approved Fiscal Year 2002-2003 budget. (The *Request for Council Action* sets forth that the report was reviewed and unanimously recommended on March 17, 2004 by the Public Works Commission.)

**(City Council) Approved Acceptance of Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant for Physical Fitness Equipment (340.70)** Approved and authorized City staff to accept the FEMA Assistance to Firefighters Grant award and expend matching funds. Submitted by the Fire Chief. Funding Source: The FEMA grant amount is \$24,500 and requires a matching amount of \$10,500. Funding for the matching amount is available in Fire Suppression Equipment and Supplies accounts. (The staff report sets forth that FEMA will provide 70% (\$24,500) of the total purchase price and the City will provide 30% (\$10,500.)

**(City Council) Approved Two Agreements between the City and (1) Jones Hall for Bond Counsel Services and (2) Quint & Thimmig, LLP, Attorneys at Law for Disclosure Counsel Services Re: Property Tax Override Refund Claims Pursuant to Howard Jarvis Taxpayers v. City of Huntington Beach (600.10)** – Authorized the Mayor and City Clerk to execute the *(1.) Agreement Between the City of Huntington Beach and Jones Hall for Bond Counsel Regarding Property Tax Override Refunds Pursuant to Howard Jarvis Taxpayers v. City of Huntington Beach* and *(2.) Agreement between the City of Huntington Beach and Quint & Thimmig, LLP Attorneys at Law, for Disclosure Counsel Services Regarding Property Tax Override Refunds Pursuant to Howard Jarvis Taxpayers v. City of Huntington Beach*. Submitted by the City Attorney and the Administrative Services Director. Funding Source: Funding for Jones Hall bond counsel services (not-to-exceed \$70,000, inclusive of costs) and Quint & Thimmig's disclosure counsel services (\$25,000, inclusive of costs) will be included as part of the cost of issuing the bonds.

**(City Council) Authorized as Amended by a Late Communication Revising the Recommended Action on the Staff Report - Additional Allocation from the Fourth of July Fund for the Fourth of July Fireworks on the Beach Display – Approved a Parking Surcharge for July 4, 2004 – Approved Closure of Pier at 5:00 P.M. for VIP Event (960.30)**

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to inquire regarding Coastal Commission requirements concerning closure of the pier.

Fourth of July Board Chair Pat Stier reported at the request of Councilmember Houchen. Ms. Stier stated her belief that the closing of the pier had been authorized by the Coastal Commission.

Police Chief Kenneth Small reported that the pier would routinely be closed to the general public prior to a fireworks show.

Community Services Director Jim Engle responded to Councilmember Coerper's inquiry concerning budgetary issues relating to the Fourth of July festivities.

A motion was made by Boardman, second Houchen to:

1. Authorize **as amended** by Late Communication revising the Recommended Action on the Staff Report - an additional allocation of \$111,436 from the Fourth of July Fund with expenditures as follows: \$49,524 into Overtime Account; \$61,912 into Contractual Services Account;

**and**

2. Approve a \$5 surcharge to the daily parking fee for South Beach and a \$3 surcharge to the daily parking fee for Pier Plaza parking lots on the beach on July 4, 2004 with additional revenue generated to help offset the extra costs of the fireworks event. These public parking lots will have a daily parking fee of \$15;

**and**

3. Approve closure of the Pier at 5:00 P.M., and the use of the Pier for a ticketed VIP event to be held from 5:00 P.M. until the conclusion of the fireworks.

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: Sullivan

ABSENT: None

**(City Council) Approved the Master Plan for Renovation of the Shipley Nature Center Prepared by Tatsumi and Stivers, LLA (600.10)**

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to receive clarification of the process of the Master Plan for renovation of the Shipley Nature Center.

Community Services Director Jim Engle clarified the Master Plan was reviewed by the Community Services Commission and funds were appropriated from the Parks, Acquisition and Development Fund to hire a landscape architect to work with the city and the Friends of Shipley Nature Center.

A motion was made by Coerper, second Boardman to:

Approve the Master Plan for renovation of the Shipley Nature Center as prepared by Tatsumi and Stivers, LLA.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

**(City Council) Approved Appropriation Revision within the Building and Safety Department's 2003-2004 Budget to Maintain Established Levels by Expanding the Counter Plan Review Services (for Health and Safety) (600.10)**

Councilmember Coerper requested this agenda item be removed from the Consent Calendar to receive clarification concerning the transfer of funds within the Building and Safety Department.

Building and Safety Department Director Ross Cranmer clarified the reason for bringing item forward per Councilmember Coerper's inquiry. Mr Cranmer stated due to increased building activity it is necessary to fund contract services by transferring funds budgeted for unfilled positions.

A motion was made by Coerper, second Green to:

Approve the transfer of \$75,000 from Permanent Salaries account to Professional Services Operating Account.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

**(City Council) Approved as Amended (by Late Communication from the City Treasurer Regarding AB 2442 Only) 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)**

The City Council considered a 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 State Legislature, a regional body or to be put on a ballot for approval by the voters?

A PowerPoint presentation submitted by Administration dated April 5, 2004 and titled *Intergovernmental Relations Committee – Recommendations for Legislative Action April 5, 2004* was included in the agenda packet. The PowerPoint report was not presented at the meeting due to time constraints.

A Late Communication submitted by Administration dated April 5, 2004 correcting a typographical error on Item 6 of the PowerPoint presentation titled *Intergovernmental Relations Committee – Recommendations for Legislative Action April 5, 2004* was previously announced as a Late Communication by Assistant City Clerk Liz Ehling.

A Late Communication submitted by the City Treasurer dated April 5, 2004 and titled *Late Communication on Item F-1 #2 AB 2442 (Harman) Property Tax State Assessed Property Taxes* requesting Council to support the bill as amended on March 25, 2004 was previously announced as a Late Communication by Assistant City Clerk Liz Ehling.

Mayor Cathy Green received clarification concerning AB 2442 from City Treasurer Shari Freidenrich who stated the city was working with State Assemblyman Harman to provide city access to the Board of Equalization hearings regarding property tax issues.

1. A motion was made by Coerper, second Hardy to: **SUPPORT – HR 3550 (Young)** a Federal Appropriation Bill to Reinstate Funding for the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

2. A motion was made by Coerper, second Hardy to: **SUPPORT AB 2442 (Harman) – Property Tax – State Assessed Property Taxes - as amended** by Late Communication from the City Treasurer. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

3. A motion was made by Coerper, second Hardy to: **SUPPORT SB 1698 (Torlakson) Driving Under the Influence** – Reimbursement for Emergency Response (as Introduced).  
The motion

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

4. A motion was made by Coerper, second Hardy to: **SUPPORT SB 1126 (McClintock) – Sales & Use Taxes** – Exempting fire equipment from sales taxes (as Introduced). The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

5. A motion was made by Coerper, second Hardy to: **OPPOSE Department of Industrial Relations Ruling on prevailing wages for certain volunteers on public works projects.** The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

6. A motion was made by Coerper, second Hardy to: **OPPOSE SB 1573 (Corbett) State Mandate Reimbursements** (as Introduced). The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

7. A motion was made by Coerper, second Hardy to: **SUPPORT Workers' Compensation Reform** and authorize the Mayor to send a letter to our legislators encouraging them to adopt reform measures. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

8. A motion was made by Coerper, second Hardy to: **SUPPORT - AB 496 (Correa) Santa Ana River Conservancy** (as amended 01/02/04). The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

9. A motion was made by Coerper, second Hardy to: **SUPPORT SCA 15 (McClintock) – Contracting Out** (as Introduced). The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Houchen  
NOES: Boardman, Cook  
ABSENT: None

10. A motion was made by Coerper, second Hardy to approve: **Discussion – Request by the Bolsa Chica Conservancy** for a letter to the California Coastal Conservancy in support of a grant application by the State Lands Commission for a grant of \$10 Million for restoration of the Bolsa Chica Wetlands. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen  
NOES: None  
ABSENT: None

**(City Council) Approved for Introduction Ordinance No.3635 Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Undergrounding of Utilities for Provider, Verizon (640.10)**

After Assistant City Clerk Liz Ehring read by title, a motion was made by Cook, second Green to approve for introduction **Ordinance 3635** – *“An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Underground Utilities.”* The motion carried by the following roll call vote:

AYES: Sullivan, Hardy, Green, Boardman, Cook, Houchen  
NOES: Coerper  
ABSENT: None

**(City Council) Approved as Amended (To Include Bench-Naming and Deletion of the Word "New" in the Motion Regarding Development of Recommendations) to Direct the Community Services Commission to Review the Policy for Naming of Parks and Other Community Facilities (Resolution No. 2001-64) - Receive Input from the Community and Develop Recommendations (100.10)**

The City Council considered a communication from Councilmember Debbie Cook transmitting the following **Statement of Issue:** In Resolution 2001-64, the City Council adopted a policy for naming of City parks, park features and community facilities. The policy calls for:

1. Parks adjacent to schools be named the same as the school.
2. If an entire park or a sizable portion of a park that is not adjacent to a school is donated by an individual or family, it shall be named after the donor.
3. If the park is neither adjacent to a school nor donated, all or in part, it shall be named after Huntington Beach Mayors who are no longer members of the City Council. Priority shall be given to those oldest who are still living.
4. That after all the Mayors names have been affixed to designated parks and additional parks are purchased by the City, parks shall be named after City Council Members who did not attain the office of Mayor. Priority shall be given to those oldest who are still living.
5. If enough parks do not exist to exhaust the list of names of past Huntington Beach Mayors, park features of Huntington Central Park and other community facilities such as lakes, structures (other than restrooms), groves of trees, walkways, playing fields, group camp and picnic sites, gardens, play equipment, meadows, amphitheaters, vistas, bridges, and wildlife refuges, shall be named after such Mayors to honor them for their service to the City. In addition, other individuals' names or other park names may be proposed. These names would be considered when their unique contributions have had a citywide impact, are marked by excellence, and are worthy of honor.

It concerns me that so much emphasis has been placed on naming such facilities after former Mayors and Council Members. It seems this neglects the many contributions made in other ways by our citizens to the City, the State, or our Nation. I am further troubled by the priority given to living Mayors over Mayors who may have contributed greatly but who are not living.

Discussion was held between Council and staff concerning the naming of parks and other community facilities.

Community Services Director Jim Engle clarified for Council the existing considerations for bench naming.

A motion was made by Cook, second Boardman to approve **as amended** to direct the Community Services Commission to review the policy for naming of parks and other community facilities (with bench-naming issue mentioned earlier and deletion of the word "new" in the motion regarding recommendations); including receiving input from the community, and develop recommendations for naming these facilities.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Boardman, Cook, Houchen  
NOES: Green  
ABSENT: None

**(City Council) Motion Failed to Direct Staff to Begin Modification of the General Plan Re: Vacant Land on Nichols Street to the Warner Avenue Intersection (Across from Rainbow Disposal Plant) to Change the Zoning from Residential to Commercial or Industrial (450.10)**

The City Council considered a communication from Councilmember Connie Boardman transmitting the following **Statement of Issue**: The vacant land on Nichols across from the Rainbow Disposal plant extending up to the intersection to Warner Ave currently has a zoning of residential. I believe this to be an inappropriate zoning for the site given its proximity to the Rainbow Disposal transfer station. If homes were ever built here, the residents would experience impacts from a large volume of truck traffic traveling down Nichols to Warner from very early in the morning throughout the day, as well as impacts from odors caused by the trash processing at the Rainbow site. Mitigation such as double-paned windows and air conditioning would not really, in my opinion, solve these problems, as many people like to have their windows open to enjoy the mild climate here in Huntington Beach.

Housing on this site would be simply incompatible with the use immediately across the street. Therefore, I would like the Council to start the process of changing the zoning on the site to commercial or industrial.

Councilmember Boardman stated her intent is not to disadvantage any residents. She stated her reasons for the Council memo.

Council requested Mr. Furuta return to the podium to speak concerning his mother's property on Nichols Street.

Norman Furuta spoke on behalf of his mother, who he stated is adversely affected by the proposed vacant land zoning change from residential to commercial or industrial. Mr. Furuta stated the present zoning had been in place for fifty years and the proposed zoning change would cause the land to be unmarketable.

Planning Director Howard Zelefsky reported Environmental Impact Report (EIR) timelines would be about a year in response to Councilmember Boardman's inquiry.

Discussion was held concerning zoning recommendations keeping in mind the current level of truck traffic and odors from the Rainbow Disposal plant located across the street from the undeveloped property.

Brian Hawkins, consultant to the Furuta family, informed Council that an affordable low-income housing project is being discussed. Mr. Hawkins stated Rainbow Disposal approves of this project, as it could be a possible location for some of their employees to live.

A motion was made by Boardman, second Cook to begin the modification of the general plan and the process required to change the zoning on this site from residential to either commercial or industrial.

The motion **failed** by the following roll call vote:

AYES: Boardman, Cook  
NOES: Sullivan, Coerper, Hardy, Green, Houchen  
ABSENT: None

**(City Council) Directed Staff to Design and Order Identification Badges for the Mayor and Councilmembers (Upon Approval by the Mayor, Mayor Pro Tem and Immediate Past Mayor) (120.10)**

The City Council considered a communication from Mayor Cathy Green transmitting the following **Statement of Issue**: Nationally, statewide, and locally there has been an increased emphasis on safety and security. This has resulted in an increased need for public officials to be able to properly identify themselves. Proper identification is often required for public officials to enter areas that are closed to the general public for safety reasons or to bypass security screenings that would result in lengthy delays in the public official entering a location.

Recently, some members of the City Council have experienced difficulties when relying on the city-issued identification card to identify herself or himself as a City Council Member. I discussed this matter with the Chief of Police and asked him to survey other cities to determine what types of identification are issued to Council Members. The Chief advised me that it is not uncommon for cities to issue badges as well as identification cards to City Council Members.

I know the issue of badges for Council Members has been somewhat controversial in the past. In my view, both times and people have changed; therefore, this issue should be revisited. The Chief has determined that the cost for seven badges is minimal, and a City Council badge can be designed so that it does not resemble a police or fire department badge in any way.

Mayor Green reported and stated reasons for her Council memo.

A motion was made by Coerper, second Green that the Mayor, Mayor Pro Tem and Immediate Past Mayor approve a design and the Police Department order six City Council Member badges and one Mayor badge.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Houchen

NOES: Cook

ABSENT: None

**(City Council) Motion Failed to Withhold Payment of Dues to the Orange County Division of the League of California Cities (150.40)**

Communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue**: Councilmember Sullivan stated his belief that Huntington Beach is not being treated fairly by the League of California Cities and reported on those cities which have withheld dues, to which he added Garden Grove.

A motion was made by Sullivan, second Green that Huntington Beach joins the cities of Irvine, Anaheim, and Santa Ana and withhold our dues from the Orange County Division of the League of California Cities.

The motion **failed** by the following roll call vote:

AYES: Sullivan, Green

NOES: Coerper, Hardy, Boardman, Cook, Houchen

ABSENT: None

**(City Council) Approved an Amended Motion to Direct the City Treasurer and the Planning Director (the Police Chief was Added After Voting to which Council Concurred) to Return to Council at the May 3, 2004 Council Meeting with Additional Information Regarding the Type of Ordinance and Permit Process Needed to Amend the Zoning Ordinance for Short Term Rentals of Property Under 10,000 Square Feet and Update the Current TOT (Transient Occupancy Tax) Ordinance by Providing a Procedure for Collecting TOT Similar to Other Cities (Newport Beach) (340.55)**

The City Council considered a communication from Councilmember Pam Houchen transmitting the following **Statement of Issue**: The Huntington Beach Municipal Code 3.28.032 provides that upon occupancy of any hotel, a transient must pay a transient occupancy tax (TOT) as declared by Council. Based on the definition of a "hotel," the proposed use of a home as a short-term vacation rental would trigger this requirement. However, under the City's Zoning and Subdivision Ordinance (Z 50) Code, the short-term rentals are allowed only if the property is 10,000 square feet or greater.

As a practical matter, the ZSO permits the commercial use of Visitor Accommodations in a residential district only in very limited circumstances, which are set forth in ZSO Section 210.04. First, the property must be within a RMH-A sub district. Second, the lot must be 10,000 square feet or greater. Third, a conditional use permit must be obtained from the Planning Commission. Finally, ZSO Section 230.42 requires that the Planning Commission make specific findings relating to, *inter alia*, design and development standards, emergency access, and availability of utility service.

It is unlikely that any property in a residential district would actually meet these qualifications for Visitor Accommodations. This use would be permitted if the lot is 10,000 square feet or bigger and a conditional use permit were obtained from the Planning Commission following a public hearing and the adoption by the Planning Commission of the required findings.

Another consideration is that the ZSO regulates a home occupation in a residential district. A home occupation is defined as "business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site" (ZSO 203.06). Renting out of a home could be interpreted as a home occupation thus triggering the ZSO provision applicable to home occupations. For instance a home occupation permit would be required and the standards set forth in ZSO 230.12 would have to be satisfied as a condition of the home occupation.

Thus, although the City has the authority to collect TOT for rental of this home for less than 30 days, it is doubtful if any properties within the City satisfy the applicable land use controls and therefore such use would be prohibited by the ZSO. Any collection of TOT might be construed as tacit approval of a use of the property that is inconsistent with the City's ZSO.

The City Treasurer's Department currently collects TOT for the City. They have been contacted by both real estate agents and the Huntington Beach Conference and Visitor's Bureau regarding this issue, who have also been contacted by people wanting short-term rentals of property under 10,000 square feet in Huntington Beach.

Newport Beach allows for short-term rentals in their City. In 2001, their total TOT collected was \$8.1 million of which approximately \$689,000 was from their 500 short-term rentals. In 2002, their TOT collected was \$7.7 million of which \$1 million was from their short-term rentals. Although Huntington Beach does not have the housing situation that supports these rentals as much, it does appear that there is a demand for it and would generate much needed revenue for the City.

Councilmember Houchen reported and described Transient Occupancy Tax (TOT) uncollected due to the present code regulations.

Planning Director Howard Zelefsky reported on the number of complaints for code enforcement on rentals.

City Treasurer Shari Freidenrich reported this code enforcement is similar to the administrative process, stating research can be made available.

Councilmember Sullivan stated he would like to have staff provide more information concerning code enforcement and the permit process.

An **amended motion** was made by Houchen, second Coerper to direct the City Treasurer and the Planning Director (the Police Chief was added after voting to which Council concurred) to come back with additional information regarding the type of ordinance and permit process for the first meeting in May 2004.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Houchen  
NOES: Boardman, Cook  
ABSENT: None

**(City Council) Councilmember Houchen Congratulated the Police Department for the Apprehension of the Person who Allegedly Murdered the Woman at the 99 Cents Store (120.85)**

Councilmember Pam Houchen congratulated the Huntington Beach Police Department for the capture of the criminal who allegedly murdered the woman at the 99 Cents Store. Councilmember Houchen stated she is proud of our police force.

**(City Council) Councilmember Coerper Reported His Son Has Returned Home Safely from Iraq and His Son and Daughter-In-Law are Enjoying Their Honeymoon (120.85)**

Councilmember Coerper informed Council that his son Captain Michael Coerper has returned home safely from Iraq. Captain Coerper and his new wife are enjoying their honeymoon.

**(City Council) Council on Aging's 44,403 Volunteer Hours For 2003 was Announced by Councilmember Sullivan (120.85)**

Councilmember Dave Sullivan announced that the Council on Aging's total volunteer hours for 2003 were 44,403. Councilmember Sullivan commended their work and dedication.

**(City Council) Mayor Pro Tem Hardy Announced the Success of Youth in Government Day (120.85)**

Mayor Pro Tem Jill Hardy announced hearing from her students on the success of Youth in Government Day, which she was unable to attend.

**(City Council) Mayor Green Announced the Kiwanis Easter Egg Hunt on Saturday, April 10, 2004 (120.85)**

Mayor Cathy Green announced the Easter Egg Hunt from 9:00 a.m. to 12:00 Noon hosted by the Kiwanis on Saturday, April 10, 2004.

**Adjournment – City Council/Redevelopment Agency**

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, April 19, 2004, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

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City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

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City Clerk-Clerk

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Mayor-Chairman