

**Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 19, 2006
4:00 P.M. - Room B-8
6:00 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 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.**

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m. in room B-8 due to a lack of quorum.

Call to Order

Mayor Sullivan called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:34 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Bohr, Green, Sullivan, Hardy, Hansen, and Cook.
Absent: Coerper (The City Council granted permission for the absence of Mayor Pro Tem Coerper pursuant to Resolution 2001-54.)

The City Clerk Announced No Late Communications Pertaining to the 4:00 P.M. Portion of the Meeting

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced no Late Communications regarding Study Session or Closed Session items had been received by her office following distribution of the agenda packet.

No Public Comments Regarding the 4:00 P.M. Portion of the Meeting

(City Council/Redevelopment Agency) Study Session Held – A Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council Discussed and Reviewed Preliminary Recommendations for Community Development Block Grant (CDBG) Funding Allocations for the 2006/2007 Program Year.

Roll Call – CPAB

Present: Chair, Jackie Canigiani, Patrick Burns, Rick Campbell, Angie Dahman, Steve Garcia, Michael Johnson, and Michael Moncrief.
Absent: Diane Campbell, Linda Couey, James Hayden, Richard Lara, Jerry Lipson, Jim Moreno, Patricia Jacobs-Pilette, and Charles Tyler.

Economic Development Director Stanley Smalewitz introduced CPAB Chair Jackie Canigiani. Chair Canigiani thanked the CPAB Board, Council liaisons Mayor Pro Tem Coerper and Councilmember Green, and Senior Administrative Analyst Luann Brunson for their efforts. She described the process followed by CPAB up to this point, challenges faced by the Board and the recommendation for a new grantee. Chair Canigiani explained that in most areas, CPAB and staff are in agreement for funding recommendations. She described three areas with differing recommendations: a new grant to Feedback Foundation, reduced funding for Project Self Sufficiency, and reduced funding to Seniors Outreach. She explained the recommendation for funding to Feedback Foundation is partially driven by the fact that the Foundation is funded by other cities receiving their services.

Councilmember Green inquired about funding amounts the Foundation receives from other cities. Chair Canigiani stated the amounts range from \$7,500 to \$60,000. Councilmember Green asked if Meals-On-Wheels patrons pay for services received. Board Member Dahman explained that donations are requested, but not required. Senior Administrative Analyst Brunson reported the percentage of individuals who pay for services varies. Councilmember Green inquired about funding contributed by other cities to Community Care Health Centers. Analyst Brunson agreed to report back to Council with these funding amounts. Mayor Sullivan thanked the Board for their efforts on the project.

Motion to Recess to Closed Session – Approved

A motion was made by Bohr, second Green to recess to Closed Session on the following items. The motion carried by the consensus of all present, Coerper absent.

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is **Richard Esslinger v. City of Huntington Beach**, WCAB Case Nos. AHM 00 0101979 and AHM 0101980; Claim No. COHB 02-0144. Subject: **Richard Esslinger v. City of Huntington Beach**.

(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 **Neil Spector v. City of Huntington Beach**, WCAB Case Nos. LBO 0370118 and LBO 0378838; Claim Nos. COHB 02-0069, COHB 02-0185, COHB 88-0183, COHB 92-0238, COHB 97-0045, COHB 97-0225, COHB 98-0231, and COHB 05-0056. Subject: **Neil Spector v. City of Huntington Beach**.

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

(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: One.** Subject: **Potential Litigation.**

(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 **Brookhurst & Adams, LLC v. City of Huntington Beach**, Orange County Superior Court Case No. 06CC04703. Subject: **Brookhurst & Adams, LLC v. City of Huntington Beach.**

Reconvened City Council/Redevelopment Agency Meeting – 6:02 p.m.

Present: Bohr, Green, Sullivan, Hardy, Hansen, and Cook.
Absent: Coerper (The City Council granted permission for the absence of Mayor Pro Tem Coerper pursuant to Resolution 2001-54.)

No Actions Taken in Closed Session Which Require a Reporting Pursuant to Government Code Section 54957.1(a) (3) (B).

Pledge of Allegiance/Flag Salute - Led by Councilmember Hardy

Invocation - Led by Reverend Peggy Price, Greater Huntington Beach Interfaith Council

The City Clerk Announced Late Communications

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

Communication submitted by Jennifer McGrath, City Attorney dated June 15, 2006, and titled *Late Communication June 19, 2006 Agenda Item D-2* submitting a revised Exhibit A to Resolution 2006-33.

Communication submitted by Merrilee Madrigal, Director of the HB River Park Foundation, dated June 19, 2006, and titled *Late Communication Consent Item E-11 Monroe's Nursery Lease.*

Communication submitted by Bob Polkow, dated June 16, 2006 and untitled.

Communication submitted by Norm Westwell, dated June 19, 2006 and titled *Late Communication opposing G-1F.*

Communication submitted by Mike and Noelle Hipke, Kathy Farahani, Al and Marie Hansen, Wendell Pierce, Pedro and Jill Castagna, and Ellen Lassley, dated June 19, 2006 and titled *Re: June 19, 2006 City Council Meeting, RV Parking Law.*

The Following Communications Were Submitted During the Meeting:

Communications submitted by Doug Herrema, various dates, including notarized documents from property owners and Brush Drive Street Improvement Petitions relating to the Brush Drive project.

Communication submitted by Bob Watts dated June 5, 2006 and titled *Committee to Support Our Seniors*.

Communication submitted by Merrilee Madrigal, undated, consisting of 35 photos depicting water issues relating to the Monroe Wholesale Nursery.

Communication submitted by Gerald Chapman, undated, consisting of a page from the City Charter pertaining to Section 612, Public Utilities and Parks and Beaches.

Communications submitted by Theresa Chaque, various dates, including a copy of a web page, *Urban Forestry, Benefits of Trees*, and copies of emails, letters, and tree saving petitions pertaining to the Brush Drive project.

Communications submitted by Shannon Gallagher dated August 4, 2005 including a copy of an invoice from the City of Huntington Beach and a copy of a Notice of Violation.

Presentation - Mayor Sullivan presented a commendation to Huntington Beach resident Leslie Flores. Leslie is a fourth grade teacher at Star View Elementary School who was honored with a National Teacher Award from Time Warner Cable for her entry, *Mysteries of the Titanic*.

Mayor's Award - Mayor Sullivan called on Fire Chief Duane Olson who presented the Mayor's Award to Senior Administrative Analyst Kevin Justen. Chief Olson described Kevin's work ethic, extensive municipal government experience, and excellent customer service.

(City Council) Rescheduled to July 17, 2006 Meeting – Adoption of Ordinance No. 3742 Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Parking Time Limits for Recreational Vehicles, Unattached Boat or Personal Watercraft Trailers.

Mayor Sullivan referred Council to the portion of the agenda packet that included a request from Mayor Pro Tem Coerper to reschedule this item.

Councilmember Green commented on reasons for the request to reschedule and stated she would not support the request.

A motion was made by Bohr, second Hardy to reschedule adoption of Ordinance No. 3742 to July 17, 2006. The motion carried by the following roll call vote:

AYES: Bohr, Sullivan, Hansen, and Cook
NOES: Green, and Hardy
ABSENT: Coerper

Public Comments

(The numbers following speakers' comments reflect the approximate point of time in the archived video the speaker appears, available at <http://www.surfcity-hb.org/Government/Agendas/>)

Bob Polkow voiced his disappointment in Council's action to reschedule adoption of the RV Ordinance. (17:53)

Gwendolyn Black, resident and member of the Huntington Beach Human Relations Task Force, announced that June is Gay and Lesbian Pride Month. She opined that continued work is necessary to reduce hate crimes in the City and thanked Council for reaffirming the Declaration of Proclamation of Human Dignity on its tenth anniversary. (18:53)

Reverend Peggy Price, resident since 1987, described past hate crimes in Huntington Beach affecting homosexuals. She stated the federal government has recognized eight minority groups and asked why the Mayor and other members of Council have declined to proclaim June as Gay Pride Month. (21:35)

Doug Herrema, Brush Drive resident, clarified what he referred to as two questionable addresses, 16601 Newland and the residence of Steve Martin, on the tree removal petition. He emphasized the importance of good neighbor relations on Brush Drive. (24:42)

Ralph Bauer, forty-two-year resident, requested the proposed senior center project be placed on the ballot for vote, urging Council to allow the public to decide. (27:19)

Bob Watts submitted a Late Communication and spoke in opposition to relocating the senior center. He refuted statements he said were made by advocates of relocating the senior center to Central Park. (28:21)

Robert Valeski, Brush Drive resident, voiced his support for the agenda item pertaining to the Brush Drive petition. He asked Council to move forward with the street reconstruction project. (32:51)

Steve Stafford spoke regarding alleged lawsuits in the residential development he resides in, concerns with the roadway in the same development, and graffiti at Huntington Beach High School. He suggested the Police Department utilize volunteers to assist in taking reports on graffiti damage in the City. (34:07)

Merrilee Madrigal, resident living adjacent to the Santa Ana River and Director of the HB River Park Foundation, spoke in opposition to renewal of the Monroe Nursery lease. She referred to her Late Communication and asked for more time to produce a water quality plan. Ms. Madrigal requested Council continue the item for another thirty days. (36:05)

Mary Jo Baretich spoke in support of rebuilding the senior center, stating her opinion that further discussion and input from the community are needed prior to a final decision. She voiced her opposition to locating the center in Central Park, and to establishing it as a Community Center. Ms. Baretich asked Council to evaluate other City-owned property as potential sites for a new center. (38:14)

Mark Bixby requested Central Park be allowed to remain as open space. He quoted from a 1999 Environmental Impact Report that referred to the local wildlife corridor. Mr. Bixby challenged the proposed senior center proponents to address the raptor issue and urged Council to take no further action on the project. (39:55)

John McGregor, forty-two-year resident, voiced his opposition to a new senior center in Central Park and suggested Council consider the vacant Kettler School as an alternate site. (42:59)

Elmer Smith, thirty-year resident, spoke in support of relocating the senior center to the Kettler School site. He stated preference for a center designated for seniors, rather than a multi-generational community center. (45:03)

Susan Fleming, thirty-eight-year resident living near Central Park, spoke in opposition to relocating the senior center to the Park. She voiced concern for birds and other animals that use the proposed site and other areas of the Park. (52:34)

Mark Evans, affiliated with Save Central Park and Huntington Beach Higher Flyers Disc Golf Club, suggested alternate sites be considered for relocating the senior center. (49:25)

Chris Varga, Brush Drive resident, described five signatures of residents who he stated wish to have their names removed from the tree removal petition. He suggested a certified mail ballot is fair, and that residents should be involved in the choice of trees used to replace removed trees. (52:34)

Robert Franklin, thirty-eight-year resident affiliated with Save Central Park, spoke in opposition to the proposed Central Park site for a new senior center. He opined that a new senior center is needed, but not at cost of removal of trees and open space. Mr. Franklin asked Council to delay the vote in order to give Save Central Park time to research the issue further. (54:57)

Gerald Chapman submitted a Late Communication and voiced his opinions on the intent of Measure C, stating a vote on the issue is premature. (58:07)

Theresa Chaque submitted a Late Communication and stated her support for saving the trees on Brush Drive and raised questions about some of the tree removal petition signatures. She asked that the balloting be done by certified mail, and suggested the City proceed with repairs to other streets. (59:54)

Marge Allen, thirty-seven-year resident, voiced her opposition to the removal of trees on Brush Drive and questioned the validity of the original petitions. (1:03:13)

Ben Allen read from reports pertaining to research in the City of San Diego and the advantages of trees. Some of the advantages cited were increased property value, better temperature regulation, oxygenation of the air, and slowing of rainwater runoff. (1:06:20)

Andrew Chaque, resident of Brush Drive, gave a PowerPoint report and asked that spot repairs be performed to Brush Drive rather than complete reconstruction. He presented photos of repairs done on other streets that appeared to have successful results. (1:09:45)

Francis Arciaga, thirty-four-year resident, spoke regarding the Target store and concerns about lights that shine into residences. He asked Council to place further restrictions on Target to deflect the lights. Mr. Arciaga also expressed concerns about the traffic path of delivery trucks and drainage from planters that he said seeps onto surrounding residences. (1:13:53)

Councilmember Cook asked Mr. Arciaga to remain for the public hearing pertaining to the Target store.

(City Council) Councilmember Green Announced City's Declaration of Policy of Human Dignity; June is Gay and Lesbian Pride Month.

Councilmember Cathy Green announced that the City is celebrating the tenth anniversary of the Declaration of Policy of Human Dignity. She stated there are eight Federal Heritage Months, and June is Gay and Lesbian Pride Month.

(City Council) Councilmember Green Spoke Regarding Avian Flu

Councilmember Cathy Green spoke regarding the Avian Flu, describing methods of transfer of the virus and the danger of a pandemic.

(City Council) City Administrator Culbreth-Graft Requested Public Works Director Introduce a New City Employee.

City Administrator Penny Culbreth-Graft asked the Public Works Director to introduce a new City employee. Director Robert F. Beardsley introduced Travis Hopkins, City Engineer, who most recently worked with the City of Placentia.

(City Council) Reviewed and Accepted City Treasurer Shari Freidenrich's April 2006 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for April 2006*.

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for April 2006.

City Treasurer Freidenrich gave a PowerPoint presentation titled *April Treasurer's Report*, which was included in the agenda packet.

A motion was made by Bohr, second Hansen to review and accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for April 2006*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Public Hearing Held – Appealed the Planning Commission’s Acceptance of the Six-Month Review of Conditional Use Permit (CUP) No. 03-35 (Target Loading and Delivery Operations Condition) and Imposition of an Additional One-Year Review Period, and Received and Filed as Adequate CUP No. 03-35 With Amended Conditions of Approval as Amended and No Additional One-Year Review; Approved Request to Process Entitlement Plan Amendment with the Planning Commission for Hours of Operation within 60 Days.

Mayor Sullivan announced that this was the time noticed for a public hearing to consider the following:

APPEAL OF THE PLANNING COMMISSION’S APPROVAL OF THE SIX-MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 03-35 (TARGET - TRUCK DELIVERY HOURS AT 9882 ADAMS):

Appellants: Mayor Sullivan and Councilmember Green

Applicant: City of Huntington Beach

Request: A six month review of Conditional Use Permit No. 03-35 as required under Entitlement Plan Amendment No. 05-01, approved by the Planning Commission on September 27, 2005. The review is to ensure compliance with the approved conditions of approval regarding loading and delivery operations for the Target Department Store.

Location: 9882 Adams Avenue (southwest corner of Brookhurst St. and Adams Ave.)

Project Planner: Paul Da Veiga

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

Associate Planner Paul Da Veiga gave a PowerPoint report titled *Target - Six Month Review*, which was included in the agenda packet.

Councilmember Green asked for clarification on the Staff recommendation, specifically which conditions can be altered by Council, and suggested extended delivery hours on Sundays. Planner Da Veiga responded, stating the current conditions do not allow Sunday deliveries, but that the applicant had requested them. Planning Director Zelefsky explained a change in operating hours would require public notice. City Attorney McGrath clarified Council may change delivery days and hours as part of this review.

Councilmember Green asked for further clarification on lighting restrictions. Planner Da Veiga explained that lighting restrictions are a Code Enforcement issue and have been addressed. Councilmember Hardy asked about signage, and if Target has requested extended hours of operation on holidays. Planner Da Veiga explained he has not yet received a request for extended hours in writing, and that signs will be examined after a decision is made on the appeal.

Mayor Sullivan declared the public hearing open.

Chris Long, Pacific Land Services for Target Corporation, stated his understanding that delivery hours could be addressed during this public hearing and asked Council to consider extended holiday hours, between Thanksgiving and New Year's Day, in a separate hearing. He described problems for the Target Corporation pertaining to the lack of Sunday delivery hours and with restrictions on smaller vendors, which require them to use the front door for delivery instead of the man door. He asked Council to approve expanded delivery hours, from 10:00 a.m. to 6:00 p.m. Saturdays and Sundays for large delivery trucks. He requested the Conditions of Approval, paragraph 5a, be rewritten to allow delivery hours Monday through Friday, 8:00 a.m. to 7:00 p.m. for large trucks and Saturdays/Sundays 10:00 a.m. to 6:00 p.m. and smaller delivery trucks 8:00 a.m. to 12:00 p.m. Monday through Friday, with access to the man door. He asked that paragraphs 5f and 5g be modified pertaining to store hours. (1:38:46)

Francis Arciaga reiterated concerns he had voiced earlier with regards to lighting and residential disturbances. He asked Council to require deflectors on the light fixtures. (1:46:50)

Pamela Manke, resident whose backyard abuts the Target parking lot, voiced concerns with loading disturbances she has experienced since the store has been remodeled. She asked Council not to extend the delivery hours, stating a significant negative impact on her life due to motor noises, refrigeration noises, fumes, and truck backup noises. (1:47:49)

Robert Copeland stated his backyard is directly across the parking lot from the man door and described noise disturbances. He suggested several more delivery bays should have been constructed and asked Council to leave the delivery hours as they are currently allowed. (1:51:02)

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.

Councilmember Cook asked staff for clarification on drainage and lighting concerns mentioned by the public speakers. Associate Planner Da Veiga stated Code Enforcement would investigate these issues further. Councilmember Bohr inquired about delivery hours prior to remodeling of the store. Planner Da Veiga explained there were no restrictions prior to the remodel. He also reported, per Councilmember Bohr's request, on more expansive delivery hours for Home Depot, Wal-Mart and Lowe's in the City. Councilmember Green inquired about the access gate, and Planner Da Veiga clarified the gate is closed during business hours. City Attorney McGrath clarified that changes to access door restrictions would require further public notice.

In response to an inquiry from Council, Mr. Long stated his opinion the entire Conditional Use Permit (CUP) is up for review. Planner Da Veiga reiterated that only delivery issues are up for review. Mayor Sullivan asked for an explanation of the process to address the other issues discussed. Planning Director Zelefsky clarified the applicant would be required to file a request to modify the entitlement, then the Planning Commission would review the request, unless Council requests otherwise. Councilmember Cook voiced concerns with making several changes to the entitlement without public notice, stating she will oppose such changes. Councilmember Green stated her understanding the Council could consider the entire CUP at this meeting.

Mayor Sullivan stated his opinion the delivery hours approved by the Planning Commission are too restrictive.

Councilmember Green inquired about Council's ability to make changes to store operating hours. Director Zelefsky clarified the Zoning Code requires these types of changes go to the Planning Commission. Councilmember Green asked that the Commission review such a request within thirty days. City Attorney McGrath clarified any modification to paragraph 5a of the Conditions of Approval would be within Council's purview at this hearing. She suggested Council delete the last sentence of paragraph 5a. Councilmember Hardy inquired about the man door; Director Zelefsky explained the requirement for fire exits. Councilmember Bohr voiced his support for the motion and requested that the applicant's entitlement plan change requests be submitted to the Planning Commission within sixty days.

A motion was made by Sullivan, second Green to receive and file as adequate the six-month review of Conditional Use Permit No. 03-35 with amended conditions of approval and no further review required **as amended** to replace paragraph 5a of the Conditions of Approval with the following: Target product delivery and trash pickup shall be permitted between the hours of 8:00 a.m. and 7:00 p.m. Monday through Friday and between 10:00 a.m. and 6:00 p.m. Saturday and Sunday. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, and Hansen
NOES: Cook
ABSENT: Coerper

A motion was made by Bohr, second Green to request the Planning Commission process an entitlement plan amendment pertaining to hours of operation within sixty days of Target applicant's request. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, and Hansen
NOES: Cook
ABSENT: Coerper

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 03-35

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 03-35:

1. The site plan, floor plans and elevations received and dated March 18, 2004 shall be the conceptually approved layout with the following modifications:

- a. The loading dock enclosure shall be constructed with sound absorbing material designed to minimize noise impacts associated with loading and unloading activities. Truck loading and maneuvering shall be designed to provide the greatest separation possible from the adjacent residential properties. The architecture colors and materials of the enclosure shall be consistent with the overall building architecture.
- b. The architecture colors and materials of the garden center shall be consistent with the overall building architecture.

c. The design, colors, and materials for the subject building shall be reviewed by the Design Review Board (DRB) following approval by the Planning Commission.

1) Elevations shall be revised to incorporate multiple roof planes and/or a variety of roof slopes to reduce the overall mass and bulk of the building and comply with the Urban Design Guidelines.

2) The overall architectural theme shall reflect a contemporary architectural design consistent with the design concept identified on elevation dated April 14, 2004. Several massing elements, in various volumes, shall be incorporated into the design. Varied use of earth tone colors and quality exterior materials such as stone veneer, split-face block, or other similar material shall be incorporated to accent prominent portions of the building façades.

3) The design of the garden center shall incorporate an enhanced entry design which shall have the appearance of a secondary storefront. The design of the garden center shall include similar architectural design as the overall building.

4) A public art element shall be integrated and be in a location that is visible to the public within the project site. Public art shall incorporate the following:

- i) Artistic excellence and innovation
- ii) Appropriate to the design of the project
- iii) Indicative of the community's cultural identity (ecology, history, society)

The Design Review Board's recommended public art element shall be reviewed and approved by the Planning Director, prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

d. The cart corrals shall be constructed with a durable material such as concrete block. The design of the cart corrals shall be consistent with Sheet 6 of the conceptual plans dated March 18, 2004. The colors and materials used on the cart corrals shall be consistent with the subject building.

e. All non-conforming signs shall be eliminated from the subject site, including the one pylon sign along the Adams Avenue frontage and a second pylon sign along the Brookhurst Street frontage. A planned sign program for all signage on the subject property and outlying commercial pads shall be submitted to the Planning Department. Said program shall be approved prior to the first sign permit request.

f. Prior to submittal for building permits. The applicant shall submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval, and inclusion in the entitlement file to the Planning

Department and submit 8.5 inch by 10 inch colored elevations, materials board, and renderings to the Planning Department for inclusion in the entitlement file.

g. All parking that is proposed behind the store, within the access gates, shall be designated as employee-only parking.

h. A minimum of two speed bumps shall be provided behind the building, subject to review and approval by the Fire Department.

i. All perimeter trees located directly adjacent to residential properties shall be of a species that is non-deciduous and results in minimal impacts in maintenance and upkeep to adjacent properties.

2. Prior to issuance of a grading permit, the following shall be completed:

a. The site plan received and dated April 14, 2003 shall be the approved layout except for the following: (PW)

1) The driveway on the south side of the property along Brookhurst Street shall be widened to a minimum of 36-feet in width, to allow for two egress lanes.

2) A minimum 10-foot sight triangle must be provided at all points on the site, including the building corners. Areas of concern include the northwest corner (at the loading dock) and northeast corner of the building. The sidewalk must also be extended a minimum of four feet west of the building corner.

3) A truck-tracking exhibit, utilizing a WB-50 design vehicle, must be provided to demonstrate that delivery trucks can be accommodated. This truck tracking exhibit must illustrate a truck entering the site, accessing the loading docks and egressing the site. It must be demonstrated that the truck movements will not encroach into opposite directions of roadway traffic nor impact the parking spaces shown.

4) A traffic signal shall be constructed at the main driveway entrance on Adams Avenue. This traffic signal shall include the installation of interconnect conduit and cable to the traffic signal controller cabinet at the intersection of Brookhurst Street and Adams Avenue. A traffic signal and maintenance easement shall be provided in the driveway area. The appropriate curb ramp and signing & striping modifications shall be made to accommodate the traffic signal installation. (PW/MM)

5) The applicant shall provide the legal description(s), plat(s), and supporting documents necessary for the City to quitclaim any abandoned portions of the existing water line easement dedicated to the City of Huntington Beach. (PW)

3. Prior to issuance of building permits, the following shall be completed:

a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in

the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

b. The public art element shall be approved by the reviewed by the Design Review Board and approved by the Planning Director.

4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.

5. The use shall comply with the following:

a. Target product delivery and trash pickup shall be permitted between the hours of 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday. **(AMENDED 6/19/06)**

b. Delivery trucks shall not leave engines idling while delivering merchandise to the Target store. Trucks shall turn-off engines once they reach the loading dock. (MM)

c. There shall be no loudspeakers or other amplified devices within the garden center, at any time. (MM)

d. Rubber noise seals shall be provided around the opening to the building at the location of the loading dock. (MM)

e. The trash compactor shall not be operated before 8:00 AM and after 7:00 PM. (MM)

f. All doors along the southerly and westerly facades of the building shall remain closed at all times. (MM)

g. The hours of operation for the Target store shall be from 7 a.m. to 12 a.m. The access gates to the rear of the building shall remain closed from 10:00 p.m. to 7:00 a.m.

h. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing.

i. The Target Department Store shall be designated as a single user with a maximum of 10 percent of the gross building floor area devoted to an ancillary retail/restaurant tenant.

j. Any re-use of the site or request for future demising walls to allow for a new use within the subject building shall require approval of a conditional use permit by the Planning Commission.

k. All outdoor display of seasonal, holiday, special events, and temporary outdoor sales events within the parking lot, on sidewalks, or any other portion of the project site shall be subject to the Huntington Beach Zoning and Subdivision Ordinance Code. At no time shall a Temporary Use Permit be granted for the area between the subject building and the southerly or westerly property lines.

l. There shall be no outside storage of storage containers or bins, vehicles, vehicle parts, equipment, or trailers. There shall be no outside storage of pallets or other product at any time without the required permits.

m. There shall be no loitering by patrons or employees within the parking areas located at the rear of the subject building. Signs shall be posted to indicate that no loitering in all parking areas located behind the subject building. Store managers shall be responsible for regulating all activity occurring at the rear of the subject building at all times.

n. A store liaison shall be permanently established and available to assist neighbors and residents with issues regarding the site during construction and after completion of the project when the development is open for business. A sign identifying the store contact and telephone number shall be permanently posted on-site.

o. All Mitigation Measures of Mitigated Negative Declaration No. 03-02 shall be adhered to.

6. Within 30 days of Planning Commission action on the six-month review, the following signs shall be installed (AMENDED 4/25/06):

a. A sign(s) prohibiting truck idling, identifying the permitted hours for loading and delivery, and providing a store contact shall be placed in a conspicuous location adjacent to the loading dock. The sign shall be sized appropriately in order that it can be clearly viewed by truck drivers entering the loading dock area. The sign(s), the text, and location shall be submitted to the Planning Department for review and approval prior to installation. (AMENDED 4/25/06)

b. A sign shall be installed at the southeasterly portion of the building that indicates "No thru traffic" and "No deliveries permitted". The sign shall be placed in a conspicuous location with the text and location subject to the review of the Planning Department prior to installation. (AMENDED 4/25/06)

7. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

8. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

(City Council) Administrative Public Hearing Held – Adopted Resolution No. 2006-33 Approving Certification of Special Assessments as Amended for Collection of Delinquent Civil Fines for Municipal Code Violations.

Mayor Sullivan announced that this was the time noticed for an administrative public hearing to consider the adoption of proposed Resolution No. 2006-33 entitled *A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*

City Attorney Jennifer McGrath gave an oral report.

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

Mayor Sullivan declared the administrative public hearing open.

City Clerk Flynn restated for the record receipt of a Late Communication submitted by Jennifer McGrath, City Attorney dated June 15, 2006 submitting a revised Exhibit A to Resolution 2006-33, which removes George Psaros from the Special Assessment list.

Shannon Gallagher submitted a communication and spoke in opposition to a lien being placed on his property. He stated he never received any citations from the City prior to the public hearing notice, and that the violations his property was cited for have been resolved.

Marie Smith stated she has corrected the violations for which her property was cited, and has complied with all requests made.

There being no affected property owners 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.

Councilmember Green inquired about fines that have been contested in the past. Neighborhood Preservation Program Manager Bill Zylla described the procedures required, stating that the appeal deadlines in this case had not been met.

Mayor Sullivan inquired if the exhibit to the staff report can be modified to remove the names of the two public speakers and the public hearing can be continued open rather than re-noticing. Attorney McGrath replied in the affirmative, provided the hearing is scheduled for a date certain with a new resolution. Manager Zylla requested six to eight weeks for review.

Councilmember Bohr asked about the procedure for mailing citations and notices, suggesting regular and registered mail be used. Manager Zylla explained addresses are obtained from water billing records. Councilmember Hansen requested staff develop a consistent policy for mailing all notices by registered mail.

A motion was made by Sullivan, second Bohr to adopt Resolution No. 2006-33 entitled *A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations* as **amended** to remove the names of Gallagher and Smith from the amended Exhibit A of the staff report, public hearing to remain open for those named individuals until August 21, 2006. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

Consent Calendar – Items Removed for Separate Discussion

(City Council) Renewal of Lease Agreement between the City of Huntington Beach and Rex and Larry Gilmore, DBA Monroe Pacific Wholesale Nursery, a California Partnership for Certain Real Property Located at 10449 East Adams Avenue

Consent Calendar – Items Approved

A motion was made by Bohr, second Hardy to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen (abstained on May 3, 2006 Minutes), and Cook
NOES: None
ABSENT: Coerper

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Adjourned Regular Meeting of May 3, 2006 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved and Authorized Execution of Amendment No. 3 to Agreement Between the City of Huntington Beach and Engineering Resources of Southern California for Plan Check and Development Services, and Authorized an Exemption to Section 3.03.120 of the Huntington Beach Municipal Code to Allow Extension of the Agreement - 1) Authorized an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years; and 2) Approved and authorized the Mayor and City Clerk to execute "Amendment No. 3 to Agreement Between the City of Huntington

Beach and Engineering Resources of Southern California for Plan Check and Development Services." Submitted by the Public Works Director. Funding Source: Funds in the amount of \$600,000 are available in Fiscal Year 2005/2006 and proposed Fiscal Year 2006/2007 budgets in the General Fund, Public Works Development Services, Professional Services Account No. 10085251.69365.

(City Council) Adopted Resolution No. 2006-32 to Establish the Annual Appropriation Limit of the Proceeds of Taxes in the Amount of \$536,862,296.00 for Fiscal Year 2006/2007, Pursuant to Article 13B of the State of California Constitution (Gann Appropriation Limit) - Adopted Resolution No. 2006-32, "A Resolution of the City Council of the City of Huntington Beach Establishing the Appropriation Limit for Fiscal Year 2006/2007" of \$536,862,296. Submitted by the Finance Director. Funding Source: Not applicable.

(City Council) Authorized the Finance Director to Approve the Public Employees Retirement System (PERS) Lump Sum Prepayment Request for Fiscal Year 2006-2007 - Authorized Daniel T. Villella, CPA, Finance Director to approve the Public Employees' Retirement System LUMP SUM PAYMENT REQUEST for fiscal year 2006-2007 authorizing the lump sum prepayment of PERS Retirement Employer's Contribution in the amount of \$8,300,730 for Safety employees and \$3,008,132 for Miscellaneous employees to be paid by July 15, 2006. Submitted by the Finance Director. Funding Source: Cash is available within the various funds that usually have PERS obligations. Any amounts paid prior to the obligation date for these benefits in the fiscal year 2006-2007 are considered prepayments of expenses and can be refunded if necessary.

(City Council) Authorized the Addition of Atlanta Flood Control Station Engine #3, a Natural Gas Engine Used to Pump Storm Water, to the Approved List of Public Works Equipment Replacement - Authorized the addition of Atlanta Flood Control Station Engine #3 to the approved list of Public Works equipment replacement. Submitted by the Public Works Director. Funding Source: General Fund account 10040314.83700 - Capital Purchases - Public Works - Equipment, General. No additional appropriation is required.

(City Council) Approved the West Orange County Water Board (WOCWB), a Joint Powers Authority (JPA), 2006/2007 Proposed Budget in the Amount of \$95,600 - Approved the fiscal year 2006/2007 proposed West Orange County Water Board Budget in the amount of \$95,600. Submitted by the Public Works Director (as recommended by Council Liaisons Mayor Dave Sullivan and Councilmember Jill Hardy). Funding Source: The City's net share of \$13,012 for the fiscal year 2006/2007 WOCWB budget will be included as a line item expenditure in the Water Fund (506) fiscal year 2006/2007 budget submittal under account 50685801.67655.

(City Council) Approved Project Specifications and Award Contract in the Amount of \$140,242.50 for Construction of Curb Ramps, Sidewalks, Curbs and Gutters on Rembrandt Drive, MSC-434, to Nobest, Inc. - 1) Approved the project specifications; and 2) Accepted the lowest responsible bid submitted by Nobest, Inc. in the amount of \$140,242.50 and 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works and Director of Economic Development. Funding Source: Funds in the total amount of \$150,000 have been designated for this purpose from Community

Development Block Grant (CDBG) fiscal year 2005/2006 Curb/Sidewalk Construction 86890001.82300. Funding of up to \$14,000 from General Fund, Street Maintenance Account No. 10085412.64620 is available for contingency and supplemental expenses.

(City Council/Redevelopment Agency) Approved City Council Resolution No. 2006-34 and Redevelopment Agency Resolution No. 360 Regarding the Magnolia Sidewalk Project in the Southeast Coastal Redevelopment Project Area - 1) City Council Recommended Action: Approved City Council Resolution No. 2006-34, "A Resolution of the City Council of the City of Huntington Beach Consenting to Payment by the Redevelopment Agency for Costs of the Installation and Construction of Sidewalk Improvements Immediately Adjacent to Magnolia Street and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445;" and 2) Redevelopment Agency Recommended Action: Approved Redevelopment Agency Resolution No. 360, "Resolution of the Redevelopment Agency of the City of Huntington Beach Agreeing to Pay the Costs of the Installation and Construction of Sidewalk Improvements Immediately Adjacent to Magnolia Street and Making Certain Determinations and Findings Pursuant to Health and Safety Code Section 33445." Submitted by the Economic Development Director. Funding Source: Capital Improvement Account 10040314.82300 to be repaid by Tax Increment from the Southeast Coastal Project Area.

(City Council) Adopted Resolution No. 2006-26 Calling and Giving Notice of a General Municipal Election on November 7, 2006 for the Election of Officers; Adopted Resolution No. 2006-27 Requesting the County of Orange to Consolidate the City's General Municipal Election with the Statewide General Election on November 7, 2006; Adopted Resolution No. 2006-28 Adopting Regulations Pertaining to Foreign Language Translation and Printing of Candidate Statements for Elective Office - 1) Adopted Resolution No. 2006-26, "A Resolution of the City Council of the City of Huntington Beach, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 7, 2006, for the Election of Certain Officers as Required by the Provisions of the Charter"; and 2) Adopted Resolution No. 2006-27, "A Resolution of the City Council of the City of Huntington Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 7, 2006 with the Statewide General Election to be Held on that Date Pursuant to §10403 of the Elections Code"; and 3) Adopted Resolution No. 2006-28, "A Resolution of the City Council of the City of Huntington Beach, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, November 7, 2006." Submitted by the City Clerk. Funding Source: Funds estimated at \$170,000 by the Registrar of Voters will be budgeted in fiscal year 2006/2007, Election Account #10010201.69300.

(City Council) Accepted the Resignation of Dominick A. Tomaino from the Community Services Commission, and Approved the Appointment of Jay Kreitz to the Community Services Commission With a Term to Expire July 1, 2010 - Accepted the resignation of Dominick A. Tomaino from the Community Services Commission, and approved the appointment of Jay Krietz for a term to expire July 1, 2010 as recommended by Council Liaisons, Mayor Dave Sullivan and Councilmember Don Hansen. Submitted by the Community Services Director. Funding Source: Not Applicable.

(City Council) Approved Renewal of Lease Agreement between the City of Huntington Beach and Rex and Larry Gilmore, DBA Monroe Pacific Wholesale Nursery, a California Partnership for Certain Real Property Located at 10449 East Adams Avenue.

The City Council considered a communication from the Director of Economic Development transmitting the following **Statement of Issue:** Should City Council approve a Lease Agreement between Rex and Larry Gilmore, DBA Monroe Pacific Wholesale Nursery, a California partnership and the City? **Funding Source:** Not applicable.

Councilmember Green requested that this agenda item be removed from the Consent Calendar to ask if water drainage problems have been remedied. Public Works Director Robert F. Beardsley clarified water drainage issues illustrated in the photos presented by a public speaker at this meeting are not related to the Monroe site. He stated a water quality plan is due within forty-five days of lease approval.

A motion was made by Green, second Hardy to 1) Approve the Lease Between the City of Huntington Beach and Rex Gilmore and Larry Gilmore, DBA Monroe Pacific Wholesale Nursery; and 2) Authorize the Mayor and the City Clerk to execute the lease. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, and Hansen
NOES: Cook
ABSENT: Coerper

(City Council) Adopted Resolution No. 2006-35 Approving Memorandum of Understanding (MOU) Between the City and the Huntington Beach Municipal Employees' Association (MEA) Covering the Period July 1, 2006 through June 30, 2007.

The City Council considered a communication from the City Administrator transmitting the following **Statement of Issue:** Should the City and the Huntington Beach Municipal Employees' Association (HBMEA) enter into a new Memorandum of Understanding (MOU) covering the period July 1, 2006 through June 30, 2007? Funding Source: Funding is contained in the current Fiscal Year 2005/2006 budget and will be included in the budget for Fiscal Year 2006/2007. The cost to implement the HBMEA Memorandum of Understanding in the current Fiscal Year is \$289,470 and \$1,108,438 in Fiscal Year 2006/2007. Total estimated cost of this Memorandum of Understanding for a one-year term is \$1,397,908.

City Administrator Culbreth-Graft presented a chart outlining changes to the MOU. Mayor Sullivan suggested that in the future the chart text be larger and more readable by television viewers.

A motion was made by Green, second Hardy to adopt Resolution No. 2006-35 - *A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Municipal Employees' Association (MEA) and the City of Huntington Beach for July 1, 2006, Through June 30, 2007.* The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Adopted Resolution No. 2006-30 – Approving and Adopting Report Entitled 2005 Water Master Plan (WMP) and Financing Plan Update; Approved Introduction of Ordinance No. 3743 Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Fees, Rates and Deposits; and Adopted Resolution No. 2006-31 Identifying Specific Water Projects From the Approved 2005 Water Master Plan Upon Which WMP Funds Can be Spent.

The City Council considered a communication from the Director of Public Works transmitting the following **Statement of Issue**: Beginning in 2004, staff and a consultant began work on an update of the Water Master Plan. A draft of the plan was presented to City Council at the February 21, 2006 Study Session. The final draft of this update was recently completed and the 2005 Water Master Plan and Financing Plan Update is presented for City Council approval.

Public Works Director Robert F. Beardsley gave an oral report. He clarified that the report regarding the rate structure would be presented to Council at a separate meeting in early 2007. Councilmember Green asked about the possibility of extending the \$5.50 surcharge for an additional year. Director Beardsley explained that in mid-2007, prior to the expiration of the surcharge, staff would return to Council with recommendations.

A motion was made by Green, second Bohr to:

- 1.) Adopt Resolution No. 2006-30, adopting the 2005 Water Master Plan - *A Resolution of the City Council of the City of Huntington Beach Approving and Adopting That Certain Report Entitled '2005 Water Master Plan and Financing Plan Update, City of Huntington Beach'*; and
- 2.) After City Clerk reads by title, Approve Introduction of Ordinance No. 3743, which would amend HBMC Sections 14.12.010(d) and 14.12.040, in order to provide that Water Master Plan Capital Facilities Charge and Capital Surcharge monies shall be used for projects consistent with the goals and objectives of the 2005 Water Master Plan, which are specifically identified in a resolution, and any amendment to same, adopted by the City Council - *An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Fees, Rates and Deposits*; and
- 3.) Adopt Resolution No. 2006-31, which identifies the specific water projects from the 2005 Water Master Plan upon which WMP Funds can be spent - *A Resolution of the City Council of the City of Huntington Beach Identifying the Specific Water Projects from the Approved 2005 Water Master Plan on which Capital Facilities Charge Monies and Capital Surcharge Monies can be Expended*.

The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Adopted Ordinance No. 3737 Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to the Keeping of Fowl, Number Permitted, Distance Limitations and Residential Animal Permit Requirements.

Councilmember Green commented on the Avian Flu and the risks of a pandemic. Councilmember Cook noted incidences of the virus have occurred under farm and commercial conditions, not with backyard pets. She also commented on the benefits of establishing regulations for licensing and permitting. Councilmember Bohr concurred with comments made by Councilmember Cook, and stated he would support the Recommended Action. Councilmember Hansen inquired about procedures and time constraints to revoke permits or repeal an ordinance, if necessary. City Attorney McGrath explained an emergency ordinance could be invoked, if necessary. Mayor Sullivan stated he would vote against the Recommended Action.

A motion was made by Hardy, second Bohr to after City Clerk read by title, Adopt **Ordinance No. 3737** - *An Ordinance of the City of Huntington Beach Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to the Keeping of Fowl.* The motion carried by the following roll call vote:

AYES: Bohr, Hardy, Hansen, and Cook
NOES: Green, and Sullivan
ABSENT: Coerper

(City Council) Adopted Ordinance No. 3738 Amending Sections of Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments and the Appeal Process Once a Massage Technician or Establishment Permit has Been Revoked or Suspended.

A motion was made by Hardy, second Hansen to after City Clerk read by title, Adopt **Ordinance No. 3738** - *An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments.* The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Adopted Ordinance No. 3739 Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Graffiti Abatement from Public and Private Property Located Within the City.

A motion was made by Green, second Hardy to after City Clerk read by title, Adopt **Ordinance No. 3739** - *An Ordinance of the City of Huntington Beach Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Graffiti.* The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Adopted Ordinance No. 3740 Amending Chapter 13.36 of the Huntington Beach Municipal Code Relating to Boating Regulations Pertaining to Pier Head Lines.

A motion was made by Green, second Hardy to after City Clerk read by title, Adopt **Ordinance No. 3740** - *An Ordinance of the City of Huntington Beach Amending Chapter 13.36 of the Huntington Beach Municipal Code Relating to Boating Regulations*. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Adopted Ordinance No. 3736, A First Amendment to the Holly Seacliff Development Agreement No. 90-1 Between the City of Huntington Beach and Pacific Coast Homes and Garfield Partners Extending Agreement for an Additional 6-Month Period.

A motion was made by Green, second Hardy to after the City Clerk read by title, Adopt **Ordinance No. 3736** - *An Ordinance of the City Council of the City of Huntington Beach Adopting A First Amendment to the Development Agreement Between the City of Huntington Beach and Pacific Coast Homes and Garfield Partners*. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

(City Council) Submitted By Mayor Sullivan – Accepted Notarized Permission for Two of the Signatories on the Brush Drive Petition.

The City Council considered a communication from Mayor Dave Sullivan transmitting the following **Statement of Issue**: Two of the signatories on the Brush Drive petition have been given notarized permission by the owners (their close relatives) to sign for the owners.

Mayor Sullivan gave an oral report.

Councilmember Hardy inquired if accepting the two signatures on the petition would raise the percentage of signers to 75%. Public Works Director Robert F. Beardsley replied in the affirmative.

A motion was made by Sullivan, second Green to accept the signatures of Minh-Thing Cong and Stephen Martin as valid on the petition. The motion carried by the following roll call vote:

AYES: Bohr, Green, Sullivan, Hardy, Hansen, and Cook
NOES: None
ABSENT: Coerper

Adjournment – City Council/Redevelopment Agency

Mayor Sullivan adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:08 p.m. to Monday, July 3, 2006, at 6:00 p.m., in Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

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:

City Clerk-Clerk

Mayor-Chair