

**Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, September 20, 2004
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 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 regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

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

Absent: Cook

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 from Councilmember Debbie Cook dated September 20, 2004 requesting permission to be absent from the Council meeting.

Correction to the title of the presenter Mr. Jack Fancher to the *Federal* Department of Fish and Wildlife.

Communication from James F. Trout, Project Coordinator dated September 10, 2004 and titled *Bolsa Chica Restoration Project Groundbreaking Event*.

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

Assistant City Administrator Bill Workman introduced Jack Fancher of the United States Fish and Wildlife Service.

Mr. Fancher gave a PowerPoint presentation entitled *Bolsa Chica Restoration Project*. The report enumerated the eight agencies that are known as the steering committee for this project, one of which is the United States Fish and Wildlife Service.

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

Public Access – Closed during construction Fall 2004-2005

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

There were several inquiries from councilmembers relating to detours on Pacific Coast Highway, cleanup of contaminated nest sites, the stages of water cleanup, management of predators such as foxes and coyotes, removal of debris, and the status of the Fieldstone property. Mr. Fancher responded to all inquiries.

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

NOES: None

ABSENT: Cook

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Scottsdale Insurance Co. v. City of Huntington Beach**, Orange County Superior Court Case No. 761735. **Subject:** Scottsdale Insurance Co. v. City of Huntington Beach. (120.80)

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

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its Agency Negotiator, Penelope Culbreth-Graft, City Administrator to consider personnel matters. **Subject:** Compensation of Chief of Police (120.80)

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

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman
(Councilmember Debbie Cook had requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Cook

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.

Pledge of Allegiance – Led by Mayor Cathy Green

Invocation – Led by Reverend Peggy Price

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 from Councilmember Debbie Cook dated September 20, 2004 requesting permission to be absent from the council meeting.

Correction to the title of the Study Session presenter Mr. Jack Fancher to the *Federal* Department of Fish and Wildlife.

Communication from James F. Trout, Project Coordinator dated September 10, 2004 and titled *Bolsa Chica Restoration Project Groundbreaking Event*.

Communication regarding the Closed Session Item regarding Compensation of Chief of Police from the City Attorney dated September 20, 2004 to add Penelope Culbreth-Graft, City Administrator as the agency negotiator and to correct the Government Code Section to 54957.6.

Communication regarding the Closed Session Item regarding Labor Relations to change agency negotiators to include only the City Administrator, the Director of Administrative Services, and the Human Resources Manager.

Power Point Presentation dated September 20, 2004 titled *Fiscal Year 2004/2005 Budget Presentation* submitted by the City Administrator and the Director of Administrative Services.

Communication from Director of Economic Development dated September 20, 2004 and titled *The Strand Community Facilities District No. 2004- 1* requesting Public Hearing be opened and continued to the November 15, 2004 council meeting.

Correction from the City Clerk of a typographical error on page 15 of the agenda in the first recommended action for Zoning Text Amendment No. 03-02. The title of the Ordinance for introduction should read as "...Chapter 203-Definitions and *Chapter 241*-Conditional Use Permits".

Communication from Councilmember Gil Coerper dated September 20, 2004 titled *Overlook Park*.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Mark Bixby, undated, titled *The Invocation: An Analysis* which is a PowerPoint report.

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

Mayor's Award by Mayor Cathy Green who was joined by Public Works Director Robert F. Beardsley to present the Mayor's award to Utilities Division Crewleader Tommy Sturgeon. Tommy has been a City employee for 31 years and is one of the most respected members of the Water Division due to his dedication, dependability, and knowledge. (160.40)

Public Comments

Barbara Boskovich, member of the Oceanview School District Board of Trustees, commended Council for a job well done. Ms. Boskovich also expressed appreciation to the Public Works Department for the work of Peek Signal Maintenance and their expedient installation of the pedestrian signal at Lakeview School.

Jim Moreno spoke regarding vandalism relative to political signs. Mr. Moreno offered a \$500 reward to anyone who makes a report resulting in arrest and conviction of violators and asked the City to match his offer.

Tim Geddes addressed Council on the agenda item regarding the selection of a councilmember, stating disagreement with the options listed and proposing a third option for City Council to appoint Grace Winchell immediately and unanimously. Mr. Geddes presented reasons, including Ms. Winchell's filling in for the remainder of Councilmember Garofalo's term of office upon his resignation.

Peter Albin informed Council of having attended a groundwater replenishment groundbreaking event. Mr. Albin spoke in opposition to holding a special election and in favor of appointment to City Council as suggested in the agenda item regarding the selection of a councilmember.

Elmer Smith alleged the purchase by Mills Land and Water of Cabrillo Mobile Home property was illegal. Mr. Smith spoke regarding despotism and eminent domain.

Steve Stafford spoke regarding the status of his residential tract, and stated his opinion that it has not improved. The speaker cited safety problems with the installment of smoke alarms.

City Administrator Penelope Culbreth-Graft provided information regarding Mr. Stafford's allegations. Dr. Culbreth-Graft reported no evidence of wrongdoing by city staff, stating that she had responded to Mr. Stafford's requests after reviews had been done and inspections made. City staff will continue to work with homeowners on easement and right-of way issues.

Mary Jo Baretich, resident of the Cabrillo Mobile Home Park, announced that one of the intended speakers, Mr. John McGregor had met with an accident but reported he is doing well. Ms. Baretich spoke regarding the proposed Mobile Home Park Conversion Ordinance and rent increases.

Carlos Ruiz, manager of a 15-unit apartment building, made a complaint about noise from the delivery trucks at the Norm Reeves Honda dealership near his property. Mr. Ruiz reported that he is not satisfied with the results of his request to abate noise from early morning deliveries.

Dr. Culbreth-Graft made a request that Mr. Ruiz leave a blue contact card with the Sergeant-at-Arms.

Mark Bixby presented a PowerPoint report regarding Invocations, stating his opinion that major area religions and sects are omitted and that the audience is pressured to participate. Mr. Bixby recommended that the "moment of silence" approach be used instead of an Invocation.

City Clerk Joan L. Flynn requested a copy of the PowerPoint report in order to make it available for public record.

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

Steven Nayko spoke in opposition to the developer of his property, stating that he sustained injuries from a malfunctioning garage door and that he has had to make efforts to abate fecal matter under his house.

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

Norm "Firecracker" Westwell, candidate for State Assembly, City Council and the Ocean View School District, thanked Mr. Moreno for offering a reward for the theft of political signs. He recommended that either Grace Winchell or Ralph Bauer be appointed to the City Council with regards to agenda item relative to the selection of a councilmember. Mr. Westwell further announced a reminder that the community meeting to discuss RV parking will be held September 21, 2004 at 6:00 p.m. in the Council Chambers.

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

Carrie Thomas spoke regarding the agenda item pertaining to Overlook Park. She stated reasons why, in her opinion, the park should not be locked. Ms. Thomas stated that the park should have standard park hours, increased access to the public via Seapoint and Edwards, and that signage should announce the fact that it is a public park.

(City Council) Best Wishes for Mr. John McGregor's Recovery (120.85)

Councilmember Connie Boardman wished Mr. John McGregor the best in his recovery.

(City Administrator's Report) City Administrator Penelope Culbreth-Graft Presented an Update on the Property Tax Refund Claims and the Huntington Beach Sports Complex (160.10)

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

(City Council) Reviewed and Accepted Shari Freidenrich's, City Treasurer's July 2004 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

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

A motion was made by Boardman, second Coerper to review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for July 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

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

Mayor/Chair Green announced that this was the time noticed for a public hearing to consider a Joint Public Hearing of the City Council and the Redevelopment Agency for the purpose of considering:

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

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

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

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

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

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

Economic Development/Deputy Executive Director David Biggs presented a PowerPoint slide report titled *Habitat for Humanity Disposition and Development Agreement 2502 Delaware Street Affordable Housing Project* which was included in the agenda packet.

Mayor/Chair 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/Chair declared the public hearing closed.

A motion was made by Coerper, second Green to:

City Council Actions

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

and

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

Redevelopment Agency Actions

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

and

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

and

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

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman

NOES: None

ABSENT: Cook

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

(City Council) Public Hearing Opened and Continued Open to 11/15/04 on Two Resolutions Adopted at the August 16, 2004 Council Meeting: (1) Resolution of Intention 2004-68 Forming and Setting Boundaries of the District, Holding Election and Declaring Results to Establish Community Facilities District (CFD) No. 2004-1 (The Strand) - Blocks 104/105 - and (2) Resolution No. 2004-69 Declaring Necessity to Incur Bonded Indebtedness Per Disposition and Development Agreement (DDA) between the City and CIM/Huntington, LLC - Adopt Resolution Nos. 2004-76, 2004-77 and 2004-78 (350.30)

Mayor Green announced that this was the time noticed for a public hearing to consider Resolution of Intention No. 2004-68 and with respect to the establishment of said community facilities district, which provides in summary as follows:

1. The name proposed for the community facilities district is "City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California."
2. The boundaries of the proposed community facilities district are described and shown on the map entitled "Boundaries of City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California," which is on file with the City Clerk.
3. The types of public facilities proposed to be provided for and financed by the proposed community facilities district are:

- a. Street improvements including costs of condemnation, removal, demolition, grading, paving, curbs and gutters, sidewalks, street lights and parkway and landscaping related thereto.
 - b. Storm drains.
 - c. Sewers, sewer treatment facilities and sewer capacity acquisition.
 - d. Public parking facilities including a parking structure.
 - e. Water distribution facilities, including fire hydrants and water storage facilities.
 - f. Street signalization and signage, including traffic fees.
 - g. Fire facilities including structures and capital equipment.
 - h. Utility facilities construction and relocation.
 - i. Acquisition of land, rights-of-way and easements necessary for any of the facilities specified in paragraphs (a) through (h) above.
 - j. The incidental expenses which will be incurred are: (i) the cost of engineering, planning and designing such facilities and the cost of environmental evaluations thereof, (ii) all costs associated with the creation of the proposed community facilities district, issuance of the bonds thereof, the determination of the amount of and collection of taxes, the payment of taxes, and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district, and (iii) any other expenses incidental to the construction, acquisition, completion, and inspection of such facilities.
4. Special taxes sufficient to pay for all such facilities, to pay the principal of and interest on the bonds of the proposed community facilities district and the annual administrative expenses of the City and the proposed community facilities district in determining, apportioning, levying and collecting such special taxes, and in paying the principal of and interest on such bonds, and the costs of registering, exchanging and transferring such bonds, secured by the recordation of a continuing lien against all taxable or nonexempt property in the proposed community facilities district, and maintaining a reserve fund for such bonds, and paying any amounts that must be paid to the United States in order to preserve the tax-exempt status of such bonds shall be annually levied within the proposed community facilities district. The rates and method of apportionment of said special taxes shall be as set forth in Exhibit "B" to Resolution No. 2004-68. The maximum amounts of special taxes which may be annually levied on parcels within the proposed community facilities district which are used for private residential purposes are as follows:

MAXIMUM SPECIAL TAX

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

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

METHOD OF APPORTIONMENT OF THE SPECIAL TAX

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

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

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

The consolidated special elections on (i) the proposition of the proposed community facilities district incurring a bonded indebtedness in an amount not to exceed \$15,000,000 (ii) the proposition with respect to the levy of special taxes on the land within the community facilities district to pay the principal of and interest on the bonds thereof, and (iii) the proposition with respect to the establishment of an appropriations limit for the community facilities district in the amount of \$4,000,000, if the community facilities district is established and such consolidated special elections (the "consolidated special elections") are held, shall be conducted as a mail ballot election.

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

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

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

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

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

The public hearing is also to consider Resolution No. 2004-69, adopted by the City Council on August 16, 2004. Said resolution determines that it is necessary for proposed City of Huntington Beach Community Facilities District No. 2004-1 (The Strand), County of Orange, State of California, to incur a bonded indebtedness in the aggregate principal amount of \$15,000,000.

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

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

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

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

Mayor Green declared the public hearing open.

City Clerk Joan L. Flynn restated for the record the following Late Communication which pertains to this public hearing:

Communication from Director of Economic Development dated September 20, 2004 and titled *The Strand Community Facilities District No. 2004- 1* requesting Public Hearing be opened and continued to the November 15, 2004 council meeting.

A motion was made by Sullivan second Coerper to **continue the public hearing open to 11/15/04**. The motion carried by the following roll call vote:

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

(City Council) Public Hearing Opened and Continued Open to 10/4/04 to Consider Approval of Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Various Sections of the Downtown Specific Plan SP-5 – Approve Introduction of Ordinance Nos. 3668A or B and 3669 through 3682, Inclusive (450.20)

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

Applicant: City of Huntington Beach

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

Location: Citywide

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

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

Mayor Green declared the public hearing open.

City Clerk Flynn restated for the record the following Late Communication which pertains to this public hearing:

Correction from the City Clerk of typographical error on page 15 in the first recommended action to show, the title of the Ordinance for introduction should read as "Chapter 241".

A motion was made by Sullivan second Coerper to **continue the public hearing open to 10/4/04**. The motion carried by the following roll call vote:

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

(City Council) Public Hearing Held - Denied Appeal Filed by Councilmember Connie Boardman and Upheld the Planning Commission's Approval of Conditional Use Permit No. 03-62 As Amended to Increase Height of Wall, Set Delivery Hours, and Return to the Design Review Board (DRB) - Applicant, Brandy Yamamoto of Spear Design Associates for Proposed Development of a Walgreen's Pharmacy Drive-Thru Service Located in the CG (Commercial General) Zone at 19001 Brookhurst Street (s/w Corner of Brookhurst Street and Garfield Avenue) (420.40)

Mayor Green announced that this was the time noticed for a public hearing to consider the appeal of the Planning Commission's approval of Conditional Use Permit No. 03-62

Applicant: Brandy Yamamoto, Spear Design Associates

Appellant: Councilmember Connie Boardman

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

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

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

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

Associate Planner Paul DaVeiga presented a PowerPoint slide report titled *Walgreen's Pharmacy 19001 Brookhurst St. Appeal of CUP No. 03-62* which was included in the agenda packet.

Mayor Pro Tem Hardy made inquiries regarding the direction in which the entrance of the proposed Walgreen's Pharmacy faces in the Staff recommended plan.

Councilmember Coerper inquired regarding the height of the retaining walls overlooking the adjacent mobile home park, the noise from delivery trucks, and the parking lot activities if the building is brought up to the street. Mr. DaVeiga responded suggesting that amendments can be made to the Conditional Use Permit.

Mayor Green declared the public hearing open.

Dick Harlow, speaking on behalf of Walgreen's Pharmacy, concurred with Council requests that the retaining wall may be increased to 8 feet, and that the delivery times be restricted. Mr. Harlow spoke further about the placement of the building, and stated his opinion that there will be no adverse consequence to mobile home residents nor would health, safety, or general welfare be improved by moving the building to the corner.

John Glikbarg, Walgreen's representative, responded to Council inquiries regarding drive through window hours and locations, noise study results, and the project's background information.

Chris Noble spoke regarding stores with two entrances, peak drive through hours, and delivery hours.

Michael Gray spoke relative to forward-facing buildings and the Design Review Board (DRB) Guidelines.

Steve Ray, Vice Chair of the Planning Commission, described the primary issues for the Commission including security in the parking lot, visibility at the corner for emergency and police, and noise concerns.

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

Mayor Pro Tem Hardy informed Council of her safety concerns and of her support for the project.

A motion (roll call vote subsequently to follow) was made by Coerper, second Hardy to approve Conditional Use Permit No. 03-62 with Findings and Conditions of Approval **amended** to (1) increase height of block wall to 8 feet on Walgreen's side; (2) the delivery hours to be 8 a.m. to 8 p.m.; and (3) to return to the DRB.

Councilmember Sullivan asked for clarification on the height of the wall and suggested an amendment to the motion to increase the height of the block wall to 7 feet on Walgreen's side. The maker and second to the motion agreed to this amendment.

Mayor Cathy Green concurred with Mayor Pro Tem Hardy's previous safety concerns, and stated her opinion that having the building set back is more aesthetically pleasing.

The **amended** motion carried by the following roll call vote:

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

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 03-62

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 03-62:

1. Conditional Use Permit No. 03-62 for the establishment, maintenance and operation of a 11,838 sq. ft. single story, Walgreens Pharmacy with drive-through service will not be detrimental to the general welfare of persons working or residing in the vicinity and to the value of the property and improvements in the neighborhood. The subject property is designated for commercial neighborhood development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The proposed use will be less intense than the current use of the property as a car wash and service station, and will not have any significant impacts on the adjacent mobile home park based on the limited use of the drive thru, existing block wall, difference in grade between the two land uses, and the proposed distance between the two land uses.
2. The conditional use permit will be compatible with surrounding uses. The property abuts commercial uses to the north, south and east and residential use to the west. The subject site is located approximately six to eight feet higher than the adjacent mobile home park. An existing 12-foot tall combination retaining and block wall separates the two properties and provides adequate noise attenuation from the proposed use. The applicant will be required to record an irrevocable offer for reciprocal vehicular access to the adjacent commercial property to the south to allow for future reciprocal access between commercial properties in compliance with the Zoning Code.
3. The proposed development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The subject property is identified in the General Plan as a primary entry node to the City and, as such, should provide the highest architectural quality in compliance with the General Plan, HBZSO, and Urban Design Guidelines.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- c. siting and design of structures to facilitate and encourage pedestrian activity;
- d. siting of buildings to the street frontage to convey a visual relationship to the street and sidewalks;
- e. architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

UD 1.2 Consider establishing, at each significant node, a local center that serves its neighborhood constituency and provides a strong and distinct focal image focal image for the ditrict.

The proposed development is in substantial compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connections between sidewalks and the Walgreens Pharmacy across driveway/parking areas. The proposed architecture provides a prominent entry and incorporates quality materials in its design.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 03-62:

1. The site plan dated June 9, 2004, and floor plans and elevations received and dated February 12, 2004 shall be the conceptually approved layout with the following modifications:
 - a. The design, colors, and materials for the subject building shall be reviewed by the Design Review Board (DRB) following approval by the City Council. The following design standards shall be incorporated into proposed building architecture:
 - 1) Elevations shall 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 be unique to the site and surroundings.
 - 3) In order to minimize the overall bulk of the building at the minimum setback line, the building shall incorporate additional offsets and roof elements shall be set back from the façade of the building in certain locations along the north and east elevations.
 - b. All surplus parking stalls shall be eliminated and additional landscaping shall be provided adjacent to the building and within the parking area.
 - c. A seven (7) foot block wall shall be constructed along the westerly property line. The height of the wall shall be measured from the adjacent grade on the subject site.
 - d. Pedestrian walkways consistent with the original site plan dated February 12, 2004 shall be provided for on the revised site plan dated June 9, 2004.
 - e. 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.
2. Prior to issuance of a grading permit, the following shall be completed, as required:
 - a. The site plan received and dated April 14, 2003 shall be the approved layout except for the following: **(PW)**
 - 1) The Brookhurst Street driveway shall be located at least 10 feet northerly of the southerly property line, and provide a minimum 10-foot sight distance triangle consistent with the HBZSO Section 230.88.
 - 2) A minimum 10-foot sight triangle must be provided for vehicles at the southwesterly corner of the building.
 - 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. A truck-tracking exhibit for garbage truck accessing the trash enclosure must also be provided.
3. Truck deliveries to the site shall be limited to between the hours of 8 a.m. and 8 p.m.

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 applicant shall recorder an offer for reciprocal vehicular access to the adjacent commercial property to the south, with the Office of the County Recorder. The location and width of the accessway shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
6. The property owner or designated representative shall provide written acknowledgement agreeing to schedule semi-annual "landscaping maintenance walks" with the City Landscape architect to review the quality of the approved landscaping. The first walk shall occur six (6) months after final inspection and approval given at the time of initial occupancy, and shall continue at six (6) month intervals for a period of five (5) years. The quality of continuing maintenance, or lack thereof, will determine whether or not CUP revocation proceedings will begin. If the level of maintenance is inappropriate, but not adequate enough to warrant CUP revocation, the five (5) year time period and semi-annual walks will be extended.
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) Public Hearing Held - Adopted the Proposed City Budget for Fiscal Year 2004-05 – Adopted Resolution 2004-81 and Authorized Staff to Utilize the Professional Services Listing for 2004-05 (320.20)

Mayor Green announced that this was the time noticed for a public hearing for the purpose of considering the city budget for Fiscal Year 2004/05.

The proposed budget for FY 2004/05 totals \$297,925,177 including General Fund Expenditures of \$148,432,357. The complete, proposed budget for FY 2004/05 may be reviewed by the public from 8:00 AM to 5:00 PM, Monday through Friday in the City Clerk's Office at City Hall, 2000 Main Street, Huntington Beach. Copies of the proposed budget are also available for public review at the City's Central Library located at 7111 Talbert Avenue (Goldenwest St. and Talbert Ave.), and all branch libraries. Copies of the **Proposed Budget Message and Budget Summary** may be obtained by the public from the City's website at <http://www.surfcity-hb.org>.

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

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

Mayor Green declared the public hearing open.

City Clerk Flynn announced the Late Communication for this public hearing was erroneously announced as a communication for agenda item D-1, and is as follows:

PowerPoint presentation titled *Fiscal Year 2004/2005 Budget Presentation* submitted by the City Administrator and the Director of Administrative Services.

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.

Councilmember Sullivan informed Council of his opinion that if revenues exceed projections, the surplus should be used to restore services provided by public works and safety.

City Administrator Culbreth-Graft acknowledged that this could be addressed in the quarterly reviews.

A motion was made by Sullivan, second Hardy to:

1. Conduct the public hearing on the proposed \$297,925,177.00 new appropriations for the fiscal year 2004/2005 city budget as outlined in the budget document, and all revisions contained in the Exhibits of the Budget Resolution (Public hearing opened and continued open from September 7, 2004); **and**
2. Adopt **Resolution No. 2004-81** – “A Resolution of the City Council of the City of Huntington Beach Adopting a Budget for the City for Fiscal Year 2004/05;” **and**
3. Authorize the attached “Professional Services Listing” to be representative of services expected to be utilized by departments in 2004/2005.

The motion carried by the following roll call vote:

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

Consent Calendar – Items Approved

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

AYES: Sullivan, Coerper, Hardy, Green, Boardman (Hardy abstained from the 8/2/04 minutes)
 NOES: None
 ABSENT: Cook

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of August 2, 2004 and Adjourned Regular Meetings of August 9, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed Big Independent Cities Excess Pool (BICEP) Financial Statements and Independent Auditor's Report – June 30, 2003 and 2002 (310.75) –

Received and filed the *Big Independent Cities Excess Pool (BICEP) Financial Statements and Supplementary Information With Independent Auditor's Report for the years ending June 30, 2003 and 2002*. Submitted by the City Clerk. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2004-79 Repealing Resolution No. 2003-47 by Revising the Fee Schedule for Civil Fines for Municipal Code Violations (340.20) - Adopted **Resolution No. 2004-79** – “*A Resolution of the City Council of the City of Huntington Beach Revising the Fee Schedule for Civil Fines for Municipal Code Violations.*” Submitted by the City Attorney and the Police Chief. Funding Source: Not Applicable.

(City Council) Approved Side Letter of Agreement to the Memorandum of Understanding (MOU) between the City and the Huntington Beach Municipal Employees' Association (MEA) Regarding (1) Uniforms; (2) Insurance Coverage Increase; and (3) General Leave Accrual – Adopt Resolution No. 2004-82 (720.20) – Adopted **Resolution No. 2004-82** – “*A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Municipal Employees' Association, by Adopting a Side Letter of Agreement (Uniforms, Insurance Coverage, General Leave Accruals.)*” Submitted by the Administrative Services Director. Funding Source: As required by state law in accordance with the California Public Employees' Retirement System (PERS), the city will begin reporting for all eligible employees the value of city provided uniforms as compensation for retirement calculation purposes. There is a one-time cost of \$14,000 and an ongoing annual cost of \$7,000 related to reporting uniforms to PERS. The coverage level increase for life and accidental death & dismemberment insurance represents an increase of \$2,800 annually to the budget. The increase to the General Leave accrual cap of 600 hours to 640 hours represents a maximum liability of \$530,000. At this time no adjustment is needed to the fiscal year 2003/2004 budget or proposed fiscal year 2004/2005 budget.

(City Council) (1) Adopted Resolution No. 2004-73 Accepting and Agreeing to Modifications Suggested by the California Coastal Commission for Local Coastal Program Amendment (LCPA) No. 1-03 and (2) Adopted Resolution No. 2004-80 Amending Huntington Beach Zoning and Subdivision Ordinance Sections 230, 231 and 254 (420.85)
 1. Adopted **Resolution No. 2004-73** – “*A Resolution of the City Council of the City of Huntington Beach, California, which Acknowledges Receipt of the Coastal Commission Action and Accepts and Agrees to Local Coastal Program Amendment No. 1-03 as Modified*” and

forwarded to the California Coastal Commission; and **2.** Adopted **Resolution No. 2004-80** – “A Resolution of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 230.96, 231.04, 231.18 and 254.08 thereof to Conform LCP Amendment No. 1-03 to Modifications Made by the California Coastal Commission.” Submitted by the Planning Director. Funding Source: Not applicable.

(City Council) Approved 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 Federal or State Legislatures, a State or regional body or to be put on a ballot for approval by the voters?

Councilmember Coerper spoke regarding the relationship between Propositions 1A and 65.

A motion was made by Hardy, second Boardman to:

1. **SUPPORT** S 2554 Water Resources Development Act (WRDA) with a request to exclude the section establishing a Beach Nourishment Advisory Committee;

and

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

and

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

and

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

and

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

The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3667 Amending Huntington Beach Municipal Code Chapter 13.08 to Expand for Clarification the Definition of Beach (630.10)

After the City Clerk read by title, a motion was made by Boardman, second Sullivan to adopt **Ordinance No. 3667** – *“An Ordinance of the City of Huntington Beach Amending Chapter 13.08 of the Huntington Beach Municipal Code Pertaining to Beach Regulations.”* (Approved for introduction on September 7, 2004.) The motion carried by the following roll call vote:

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

(City Council) Adopted as Amended Ordinance No. 3663 Modifying Ordinance No. 3653 which Established Appeal Procedures for the Howard Jarvis Tax Refund Property Claims Filing Process (630.50)

After the City Clerk read by title, a motion was made by Hardy, second Boardman to adopt – **Ordinance No. 3663** - *“An Ordinance of the City of Huntington Beach Modifying Ordinance No. 3653 which Established the Appeal Procedures for Tax Refund Claims Filed in Connection with the Case Entitled “Howard Jarvis Taxpayers Association v. County of Orange” and Real Party in Interest City of Huntington Beach, Orange County Superior Court Case No. 818780.”* (Approved as amended for introduction on September 7, 2004.)

The motion carried by the following roll call vote:

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

(City Council) Appropriate Procedure to Appoint a City Council Member for the Unexpired Term – Item Pulled Until Next Regular Meeting 10/4/04 (120.40)

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

Mayor Green announced that since all Councilmembers are not present at the meeting, she would like for this item to be pulled until the next regular meeting.

A motion was made by Coerper, second Boardman to continue this item to the 10/4/04 meeting. The motion carried by the following roll call vote:

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

(City Council) Parking Lot Associated with Overlook Park be Gated and Locked (The Bluffs) – Item Pulled Until Date Uncertain (920.10)

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

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

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

Councilmember Coerper announced that he would like to pull this item from the agenda for further review by the City Administrator.

A motion was made by Green, second Hardy to continue this item to a date uncertain. The motion carried by the following roll call vote:

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

(City Council) Councilmember Boardman Thanked the Friends of Shipley Nature Center Including the Trade Unions and Corporate Donors (120.85)

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

(City Council) Councilmember Coerper Thanked Library Services Director Ron Hayden (120.85)

Councilmember Gil Coerper thanked Library Services Director Ron Hayden for a superb job on his department's organizational chart.

(City Council) Councilmember Coerper Commented on the Shipley Nature Center and a Search and Rescue Event (120.85)

Councilmember Gil Coerper commented on the Shipley Nature Center and the location of its parking lot. He also commented on a Search and Rescue event with the Police Department, Fire Department, and Explorers which he had attended.

(City Council) Mayor Green Congratulated the Friends of Shipley Nature Center and Gave Kudos to the Council on Aging for Senior Saturday (120.85)

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

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, October 4, 2004, at 5:00 p.m., in Room B-8 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-Chairman