

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

Monday, October 1, 2007  
4:00 P.M. - Room B-8  
6:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**An audio recording of the 4:00 p.m. portion of this meeting  
and a video recording of the 6:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk and are archived at  
[www.surfcity-hb.org](http://www.surfcity-hb.org).**

**Call City Council/Redevelopment Agency Meeting to Order**

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 p.m., in Room B-8 of the Huntington Beach Civic Center.

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.  
Absent: None.

Councilmember Hardy arrived at 4:39 p.m.

**City Clerk Joan Flynn Announced Late Communications**

PowerPoint communication, dated October 1, 2007 and titled *Bridge Evaluation and Maintenance Plan Completed July 2007*.

Communication submitted by Stanley Smalewitz, Director of Economic Development, dated September 27, 2007 and titled *Goldenwest College Student Housing/Costco Proposal*.

**The Following Communications Were Submitted During the Meeting**

PowerPoint communication, dated October 1, 2007 and titled *Budget and Planning Committee Edinger Corridor Campus Housing & Revitalization Joint Venture Golden West Community College City of Huntington Beach*

Communication from Tierra West Advisors, Real Estate and Redevelopment Consultants, undated and untitled, providing Retailers' Wage and Benefit Summary

### **(City Council/Redevelopment Agency) Study Session #1 Held - Citywide Bridge Study**

City Administrator Penny Culbreth-Graft called on Travis Hopkins, Acting Director of Public Works-Engineering to provide a report. Director Hopkins provided a PowerPoint slide presentation that included the following information: Purpose of Study, Background, Bridge Preventative Maintenance Plan (BPMP) Strategy, Examples of Condition, Findings - Overview of Bridges, Funding Needs and Opportunities, and Next Steps. He discussed staff's involvement in completing a Citywide Bridge Study that included inspection of 36 bridges, finding that all are structurally sound in their current condition, with recommendations provided for maintenance, rehabilitation, or replacement (for lane widening purposes). Also included within the Study are cost estimates that will allow the City to budget for these activities over the coming years, and preparation of the Study is an eligibility requirement for Federal grant applications that can be used for design, rehabilitation and construction.

Councilmember Hardy thanked Director Hopkins for his report. Councilmember Hansen asked about grant funds being used to pay for programs, and about CalTrans level of participation. Director Hopkins explained the process and CalTrans role in management of Federal funds. Councilmember Hardy asked about grant funds that cover regional route factors. Director Hopkins discussed islands and access, rehabilitation and preliminary engineering. Mayor Coerper asked about Orange County Transportation Authority (OCTA) involvement. Director Hopkins stated he was not aware of OCTA involvement.

### **Public Comments**

**Steve Stafford** informed the Council about obtaining funds available through the Federal Emergency Management Association (FEMA), flood control districts, gas tax and transportation grants. He also discussed efforts to rebuild bridges within Los Angeles County, referencing a bridge on Garvey Avenue in an unidentified city that was rebuilt with use of the funds he described.

### **(City Council/Redevelopment Agency) Study Session #2 Held - Potential Retail and Student Housing Projects in Conjunction with Golden West College**

City Administrator Penny Culbreth-Graft called on Stanley Smalewitz, Director of Economic Development to provide a report. Director Smalewitz introduced John Ioyne with Tierra West Advisors to discuss a joint venture between Costco, Golden West Community College and the City. Mr. Ioyne presented slide material that outlined the following points of information: Maintaining Community Vitality, Edinger Corridor-Vision, Aerial Map, Area Map-Beach/Edinger Corridor, Edinger Corridor-Benefits to Golden West College, Tri-Venture Benefits-Golden West College, Tri-Venture Benefits-Coscto, Tri-Venture Benefits-City/Agency, and NorthEast and Westerly View of the proposed Costco Site including elevation and campus housing.

Mayor Coerper voiced concerns about electrical transmission lines. Discussion ensued about Southern California Edison (SCE) property and easement related to parking on the access lot. The slide presentation continued with Costco Overlay and Final Comments. Director Smalewitz expressed ideas about campus housing having a

"green" feel, and there being no need for extreme signage on the Costco site. Councilmember Green requested that Costco consider using solar panels.

Councilmember Hardy asked if the City could mandate additional landscaping on the access parking lot. Mary Beth Broeren, Acting Director of Planning stated that SCE would allow increased landscaping, but would limit tree height to 15 feet. Councilmember Hardy suggested that the footbridge be relocated from the traffic signal illustrated, to an identified curve on Gothard to create safer pedestrian conditions. Councilmember Hansen asked about the go forward process. Director Smalewitz explained how the proposal was received by members of the Golden West College Budget and Planning Committee and Academic Senate. Director Smalewitz added that the proposal would soon be presented to the Golden West College Board of Trustees.

Councilmember Hansen asked for input from Costco. Director Smalewitz stated that Costco will participate in discussions after meet and confer activity takes place with other agencies. Councilmember Hansen asked if affordable housing requirements were met and staff confirmed.

Mr. Ioyne discussed ideas presented by Golden West College for relocation and rehabilitation of the existing sports fields. Director Smalewitz added that the Community Services Department is involved in discussions about sports fields. Mayor Pro Tem Cook suggested that Golden West College consider adding stories to campus structures to decrease the amount of open space lost. Director Smalewitz discussed the possibility of using the rooftop of a particular structure as a tennis court. Mayor Pro Tem Cook also discussed improving Costco aesthetics for longevity purposes, housing design elements, car sharing programs and sufficient landscaping.

Councilmember Carchio inquired about the location of the Costco gasoline service station. Director Smalewitz described the station's layout and location on Gothard, and his intent to follow-up with details. Councilmember Carchio asked if faculty housing would be included in the proposal, and relayed concerns about campus safety. Director Smalewitz described campus security personnel. Discussion ensued about Costco aesthetics and regional similarities. Councilmember Bohr voiced appreciation for the concept, suggesting that the developer improve the proposed aesthetics. Mayor Coerper voiced concerns about the lack of faculty housing, suggesting that it be offered within a separate building close in proximity to student housing. Mayor Coerper also suggested inclusion of bike paths. Councilmember Green discussed bike theft, and how the meandering walkways currently located on campus are more suitable to walking.

Councilmember Green recommended a straw vote that would provide support for staff to move forward with the proposal. City Administrator Culbreth-Graft suggested Council provide affirmation for staff to continue working with the proposal as presented. Councilmember Hardy asked that ample bike parking be available on campus, and at surrounding businesses. Mayor Pro Tem Cook asked City Attorney Jennifer McGrath about the appropriateness of a straw vote. City Attorney McGrath provided consensus with the City Administrator's recommendation on how to proceed. Discussion ensued about the straw vote language being modified to include "conceptual plan" as presented. Mayor Pro Tem Cook stated she would not support the modified language.

**Straw vote approved 6-1 (Cook-No)** to provide affirmation for staff to continue working with the project in accordance with the conceptual plan.

**Call Closed Session of City Council/Redevelopment Agency - 5:29 p.m.**

Motion by Green, second Carchio, to recess to Closed Session on the following items. The motion carried by a consensus of all present.

(City Council) Closed Session #1 – Pursuant to Government Code Section 54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: O'Brien v. City of Huntington Beach, Orange County Superior Court Case No. 06CC10391. In this case, Plaintiff Aida O'Brien fell and fractured her ankle while attempting to ride her bicycle through a puddle at the intersection of Franmar Circle and Greenview Lane.

(City Council) Closed Session #2 – Pursuant to Government Code Section 54957.6, the Council shall recess to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Michele Carr, Director of Human Resources; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with MEO, MEA, HBFA, and Non-Associated.

**Reconvene City Council/Redevelopment Agency Meeting - 6:00 p.m.**

**The City Attorney Reported That No Actions Were Taken By The City Council or Redevelopment Agency In Closed Session That Required A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

**City Council/Redevelopment Agency Roll Call**

Present: Bohr, Carchio, Cook, Coerper, Green, Hansen, and Hardy.  
Absent: None.

**Pledge of Allegiance/Flag Salute - Led by Mayor Pro Tem Debbie Cook**

**Invocation - Conducted by Bob Johns, Church of Jesus Christ of Latter Day Saints**

**Presentation - Jacques Pelletier, Fire Division Chief/Operations**

Mayor Coerper called on Fire Chief Duane Olson to present a commendation honoring retiring Fire Division Chief/Operations Jacques Pelletier. Chief Olson described Chief Pelletier's qualities and dedicated efforts in the Fire Department. Mayor Coerper provided comments and presented the commendation to Chief Pelletier, who thanked the City and Council for their support during his time of service.

**Presentation - Dan Johnson, Police Captain**

Mayor Coerper called on Police Chief Ken Small to present a commendation honoring retiring Police Captain Dan Johnson. Chief Small asked Captain Johnson and his wife Debbie to join them, discussed Captain Johnson's career in law enforcement, and described his kind and dedicated qualities. Mayor Coerper provided comments and

presented the commendation to Police Captain Dan Johnson who described his career philosophy and his appreciation for his family and the City of Huntington Beach.

#### **Presentation - Junior Lifeguards**

Mayor Coerper called on Marine Safety Chief Kyle Lindo and Linda McCune, Executive Assistant for Tyr Sports to present gift bags to the three Junior Lifeguards who saved a fellow Junior Guard after she sustained a serious neck injury. Chief Lindo introduced Paige Bison, Kylie Cincinnati and Curly Siesta and described the prompt medical attention they provided to a fellow Junior Guard in need of assistance. Linda McCune expressed appreciation on behalf of Tyr Sports, and presented each Junior Guard with a gift bag.

#### **Presentation - South Huntington Beach Girls Fast pitch Softball**

Mayor Coerper called on Dan Kerens to present commendations to the South Huntington Beach Girls Fast pitch Softball - 12U and 14U - for their outstanding performance in District, State and National competitions. Mr. Kerens described the activities that contributed to fine performances by the 14U Division. He discussed season statistics and tournament qualifications, and called on Coach Curtis Kane Mara to assist in the presentation. Coach Kane Mara thanked the league and community for their support, introduced coaches Mike Romero, Doug Achieves, Mike Coyne, and Lou Brossard, and called on individual players to accept their commendations, including Amber Brossard, Stephanie Coyne, Lauren Czerniachowski, Victoria Galasso, Kathryn Hermann, Avery Ingram, Amanda Kachevas, Alexandra Kanemaru, Shannon Nye, Megan Romero, Chelsea Roy and Rachel Vitali.

Coach Kerens described the activities that contributed to fine performances by the 12U Division, discussed season statistics and tournament qualifications, and called on Coach Greg Vournas to assist in the presentation. Coach Vournas spoke of his honor and privilege in coaching youth sports and introduced his coaching staff as Dwain Pautsch, Tony Santopoalo, Mike Coyne, Ray Perez and Craig Bradford. Coach Vournas presented commendations to Jillian Martinez, Melanie Coyne, Kelsey Bartlett, Madison Pautsch, Emily Richards, Logan Vournas, Sarah Wood, Sarah Baca, Kierstyn Suda, Samantha Santopoalo, Angie Santopoalo, Jessica Kuiper, Nikki Watkins, Madi Perez, Madeline Moore and Carly Bradford.

#### **Presentation - National Disability Employment Awareness Month**

Mayor Coerper called on Alan Chancellor to announce October as National Disability Employment Awareness Month. Mr. Chancellor called on Joan McKinney to accept the proclamation on behalf of the disabled within the community. Mayor Coerper read excerpts from the proclamation, and Ms. McKinney voiced appreciation for recognition by the City.

#### **Public Comments**

**Marc Winburn**, President of the Goldenwest Neighborhood Association, spoke to the Council regarding the proposed joint venture between the City, Costco and Golden West College (GWC) to build a Costco and student housing on college property. He voiced concerns about a big box retailer being so near residential, high density

apartments adding traffic and congestion, and made reference to the Mar Vista Apartments, a past student housing development that he felt didn't benefit the community. He discussed decreased property values, and urged the Council to allow dialogue to occur with the 650 homeowners in the area.

Councilmember Hardy asked if the City had established an interested party list for the proposed development. City Administrator Culbreth-Graft replied not at this point, but would as the project developed and requested that the speaker sign a blue interest card. Councilmember Green informed the speaker that her home is located near the proposed project area.

**Robert Sternberg** spoke to the Council regarding the proposed joint venture between the City, Costco and Golden West College. He described how he discovered project information on the internet, and requested that the Council keep residents who would be affected by this proposal informed of development plans. He stated his understanding of the proposed development's revenue generation, but recommended that alternate locations be considered. He asked if the proposal included a CVS Pharmacy, and stressed the importance of open communication with surrounding residents.

Councilmembers Hardy and Green explained that the proposal is preliminary, and encouraged participation by the public.

**Delores Armstrong** voiced concerns about traffic impacts associated with the proposed development involving Golden West College and Costco.

**Rusty Rustan** spoke in support of the Consent Calendar item to adopt a resolution supporting mandatory funding for Veteran's Healthcare. He read language from the proposed resolution, and thanked the Council for their support of the item.

**Mary Jo Baretich**, Cabrillo Mobile Home Park resident, urged the Council to defend the Mobilehome Conversion Ordinance. She discussed how a number of cities and mobilehome owners outside of Huntington Beach are following current litigation, and how senior citizens who purchased homes for retirement must receive fair market value from park owners who plan to convert parks to other uses.

**John McGregor** voiced concerns about the possible lack of Council's defense of the Mobilehome Conversion Ordinance. He discussed his past employment and purchase of a mobile home over 40 years ago, and how it was relocated to Huntington Beach through a business venture. He urged Council to take careful action on the issue and not displace homeowners.

**Grace Sandlin** spoke in favor of the Council defending the Mobilehome Conversion Ordinance. She discussed the percentage of Community Emergency Response Team (CERT) members who own mobile homes, and how difficult it is to purchase real estate, stating that many purchase mobile homes as "starter" homes. She thanked Council for their efforts in defending mobile home owners.

**William J. Seymour** spoke in support of Council defending the Mobilehome Conversion Ordinance and requested the City not allow negotiations that will be unfair to mobile home owners. He stated that a majority of mobile home owners will be displaced

because park owners have led the way in changing the park use itself without considering fair compensation for those in jeopardy of losing their homes.

**Roger D. Criswell** spoke in support of Council's defense of the Mobilehome Conversion Ordinance currently in litigation. He voiced concerns about eminent domain and urged Council to uphold their commitment. He stated he believes there are no vacant spaces within 20 miles of Huntington Beach, and that residents were lied to by park owners about lifetime status of their respective parks. He also discussed fair market value and moving expenses.

**Armind Criswell**, Huntington Shorecliffs, spoke to the Council about protecting her property rights by defending the Mobilehome Conversion Ordinance. She asked Council to consider her position, along with many others who have medical conditions that would make it difficult for them to move.

**Tom Lash** complimented the Council on presentations made earlier in this evening. He spoke regarding Council's lack of support in placing a resolution on the agenda to impeach President George W. Bush and Vice-President Dick Cheney. He discussed how the request falls outside of partisan lines, describing the proposed action as an aggressive war issue.

**Pat McCully** voiced concerns about the Council's lack of interest in placing a resolution on the Council agenda to impeach President George W. Bush and Vice-President Dick Cheney. She read aloud names of cities who formally adopted the proposed resolution, supporting the opinion that it is a non-partisan issue.

**Teddi Alves**, 33-year resident, spoke in opposition to adopting a mandatory spay/neuter ordinance. Ms. Alves questioned Councilmember Bohr about his spouse being employed by an area animal shelter, and read informational excerpts related to conflict of interest and unethical authority. She also discussed current legislation (AB 1634) and a poll reported on MSNBC indicating that the bill received opposition by 64%.

**Susan Worthy** voiced concerns related to Public Hearing Item No. D-4 (Annual Assessment Within the Huntington Beach Downtown Business Improvement District (BID) for Fiscal Year 2007-2008). City Clerk Joan Flynn recommended that Ms. Worthy provide comments during the public hearing portion of the meeting.

**Vern Nelson**, HB Impeach, discussed Councilmember Bohr's non-partisan comments and voiced concerns related to the possible circumstances that may occur upon election of certain presidential candidates. He also voiced disappointment regarding Councilmember Hansen's previous comments about the City's lack of interest to agendize a resolution to impeach President George W. Bush and Vice-President Dick Cheney.

**Eva Weisz** voiced concerns about showing disrespect to the Country by considering a resolution that would support impeachment of President George W. Bush and Vice-President Dick Cheney. She spoke about past events that have affected our country's future.

**Phil Tryon** spoke in favor of the Council placing a resolution on the agenda to impeach President George W. Bush and Vice-President Dick Cheney.

**Steve Gullage**, Huntington Beach Mobilehome Owners Association (HBMOA), voiced concerns about the City altering the Mobilehome Conversion Ordinance, urging the Council not to adjust or modify it in any way to uphold the protection it currently provides to mobile home owners. He discussed the needs of Senior Citizens' who live on fixed income, and retired veterans who are medically challenged and in jeopardy of becoming homeless. He urged the Council to protect innocent residents of approximately 3,200 homes, and honor past Mayor Sullivan's promise to defend the ordinance.

**Leslie Daigle**, Verizon Wireless, spoke in opposition to the City charging cell phone companies fees for the right-of-way, characterizing the idea as inappropriate and stating that no other city is charging such a fee. She also discussed the importance of public opinion on the proposed wireless telecommunication ordinance, including imposition of fees and under grounding of cabling.

Councilmember Hansen voiced concerns about a speaker alluding to conflict of interest in relation to Councilmember Bohr's personal interest in proposing a mandatory spay/neuter ordinance.

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

Communication received from Rusty Rustan, dated August 20, 2007 and titled "*Operation Firing For Effect [www.offe2008.org](http://www.offe2008.org).*"

Communication received from Robert Sternberg, undated and untitled, document downloaded from the internet regarding a proposed joint venture with the City of Huntington Beach and Costco.

**Council Committee/Appointments/Liaison Reports and All AB 1234 Disclosure Reporting**

Mayor Coerper provided an update on the 3-1's successful mission, stating that they are enroute home by ship and will arrive prior to Thanksgiving. He announced that the 3-1 Foundation will stage a welcoming event on November 30 at the Waterfront Hilton Beach Resort, and informed the public of departing commanding officer, Lt. Col Philip Chandler. He added that tickets are limited, recommending interested parties contact Cindy Cross at [hb4marines@aol.com](mailto:hb4marines@aol.com) to be included on a pre-sale list.

City Clerk Flynn announced receiving an AB 1234 Report from Mayor Pro Tem Cook.

**(City Council) City Clerk Joan L. Flynn submitted a report pursuant to AB 1234.**

**City Administrator's Report - None.**

**City Attorney's Report of Litigation Filed - None.**

Councilmember Green asked about the process to submit an AB 1234 report to the City Clerk in order to have it included as part of the agenda packet. City Clerk Flynn explained the process, and City Attorney McGrath concurred. City Clerk Flynn added that reports received by elected officials are made part of the record, describing how

each report is publicly announced, included as part of the minute record, made available to the public, and posted online.

**(City Council) Public Hearing Held - Approved Negative Declaration No. 06-02; Approved Zoning Text Amendment (ZTA) No. 06-01 and Adopted Resolution No. 2007-67; Approved Zoning Map Amendment (ZMA) No. 06-01 and Approved for Introduction Ordinance No. 3785; and, Approved Annexation No. 06-01 to the Local Agency Formation Commission (LAFCO), as Requested by Hearthside Homes to Facilitate the Annexation of the Brightwater Development Project and Create the Brightwater Specific Plan (SP-15)**

Communication from the Director of Planning transmitting the following **Statement of Issue**:

NOTICE IS HEREBY GIVEN that on Monday, October 1, 2007, at 6:00 p.m. in the City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public hearing on the following planning and zoning items:

**NEGATIVE DECLARATION NO. 06-02/ZONING TEXT AMENDMENT NO. 06-01/ZONING MAP AMENDMENT NO. 06-01 AND ANNEXATION NO. 06-01 (BRIGHTWATER SPECIFIC PLAN)**

Applicant: Hearthside Homes (Ed Mountford)

Request: **ND**: To analyze the potential environmental impacts associated with the implementation of the proposed project; **ZTA**: A request to create the Brightwater Specific Plan (SP 15); **ZMA**: A request to amend the City of Huntington Beach Zoning Map to: 1) prezone with the Brightwater Specific Plan, 105.235 acre portion of the Brightwater Development Plan (BDP) site presently located within an unincorporated portion of Orange County; 2) prezone a 0.065 acre portion of the unincorporated area with Residential Low Density (RL) zoning for inclusion in the Sandover project; and 3) rezone 0.365 acres of the subject property currently located within the City of Huntington Beach from RL to Brightwater Specific Plan; **ANX**: A request to annex approximately 105.3 acre BDP into the City of Huntington Beach.

Location: Northeast corner of the Bolsa Chica Mesa and generally bounded by Los Patos Avenue to the north, Warner Avenue to the northwest and the terminus of Bolsa Chica Street to the east.

Project Planner: Jason Kelley

City Administrator Penny Culbreth-Graft called on Mary Beth Broeren, Acting Director of Planning to provide a report. Director Broeren provided a PowerPoint presentation that including the following information: Project Location, Background, Negative Declaration No. 06-02, Zoning Text Amendment No. 06-01, Zoning Map Amendment No. 06-01 (prezoning maps; rezoning map), Annexation No. 06-01, Analysis, Planning Commission and Staff Recommendation.

Mayor Pro Tem Cook voiced concerns about front yard setback limits within four different plans being too shallow, similar to certain properties located within the Holly-Seacliff development. Director Broeren described two plans having z-lot configurations

with a minimum 18-foot driveway setback, and one plan having a reduced setback plan for the garage. She explained that larger cars might possibly impede into the public right-of-way (ROW), but that 18 feet is adequate if cars park against garage doors.

Discussion ensued about public access. Director Broeren explained that streets within the development are considered private, but have public access. Director Broeren also stated that access gates are not allowed within the Specific Plan, and if added, would require approval by the California Coastal Commission.

Mayor Coerper declared the public hearing open.

City Clerk Flynn announced that no late communication was received on the item.

**Ed Mountford**, Hearthside Homes, announced he was available to answer questions.

**Gerald Chapman**, President of the Bolsa Chica Land Trust, voiced concerns about complete public access to all open space, requesting confirmation from Council that this would be supported. He also suggested changing the word "will" to "shall" in any location within the document that guarantees such a request. He stated his desire that the City annex the entire Bolsa Chica as soon as possible in order to apply for grant funding.

Mayor Coerper explained the status of annexing the property, including issues involving remediation. Mr. Chapman clarified that only one small strip would be considered as owned by the City. City Administrator Culbreth-Graft explained that staff's action involves a feasibility study only, to be brought back to Council for further discussion. Councilmember Green questioned the definition of annexation and what it represents.

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

Mayor Pro Tem Cook asked the City Attorney about using the term "will" versus "shall." City Attorney McGrath deferred to Director Broeren who identified locations within the Specific Plan where the language request would apply. Ed Mountford, Developer, stated no objection to the language modification. Councilmember Green and Mr. Mountford agreed on the safeguards already built into the Specific Plan, and Director Broeren described how the item would be presented to the California Coastal Commission as part of a Local Coastal Plan Amendment to be considered at a later date.

A motion was made by Green, second Bohr, to approve staff's recommended action.

A motion was made by Hardy, second Cook to consider the following substitute motion: **1) Approve Negative Declaration No. 06-02 with Findings for Approval; 2) Approve Zoning Text Amendment No. 06-01 with Findings for Approval and adopt **Resolution No. 2007-67**, "A Resolution of the City Council of the City of Huntington Beach, California, Adopting Zoning Text Amendment No. 06-01 by Creating the Brightwater Specific Plan (SP-15) to Apply to Real Property Bounded by Los Patos Avenue to the North, Warner Avenue to the Northwest and the Terminus of Bolsa Chica Street to the East"; 3) Approve Zoning Map Amendment No. 06-01 with Findings for Approval and Approve for Introduction **Ordinance No. 3785**, "An Ordinance of the City of Huntington Beach Zoning and Subdivision Ordinance to Prezone the Brightwater Development**

*Project Area Located in the County of Orange to the Brightwater Specific Plan with Coastal Zone Overlay and Prezone 0.065 Acres Located in Orange County to Residential Low Density with Coastal Zone Overlay and Rezone 0.365 Acres Within the City of Huntington Beach From Residential Low Density with Coastal Zone Overlay to Brightwater Specific Plan with Coastal Zone Overlay (Zoning Map Amendment No. 06-01"; and 4) Recommend approval of Annexation No. 06-01 to the Local Agency Formation Commission as amended to use the term "shall" in place of "will" in identified locations within the Specific Plan.* The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Hansen, and Hardy  
NOES: Coerper, and Green

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 06-02, ZONING TEXT AMENDMENT NO. 06-01, ZONING MAP AMENDMENT NO. 06-01 AND ANNEXATION NO. 06-01

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

1. The Negative Declaration No. 06-02 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the City Council prior to action on Negative Declaration No. 06-02, Zoning Text Amendment No. 06-01, Zoning Map Amendment No. 06-01 and Annexation No. 06-01.

2. There is no substantial evidence in light of the whole record before the City Council that the project will have a significant effect on the environment. The Zoning Text Amendment, Zoning Map Amendment and Annexation will not create any additional density or intensity of land use on the project site over that which was analyzed in Subsequent EIR No. 551 and Addendum. Subsequent EIR No. 551 and Addendum also found that the change in services from Orange County providers to City providers that take place after annexation will not create undue burden on the City.

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-01 (BRIGHTWATER SPECIFIC PLAN):

1. The Specific Plan is consistent with the adopted Land Use Element of the General Plan and, if in the coastal zone, with the certified Local Coastal Program Land Use Plan, and other applicable policies and is compatible with surrounding development. The Specific Plan is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan because the Specific Plan provides for a cohesive development of residential and habitat areas that is compatible with adjacent single-family development on the north and east and with the environmentally sensitive Bolsa Chica area to the south. The Specific Plan provides community design standards for the future development of the remaining six homes and future additions, alterations, and replacements due to fire and the like that will ensure compatibility with surrounding development. The Specific Plan area is located within unincorporated Orange County and, therefore, is currently outside of the City's Local Coastal Program. However, a

Coastal Development Permit No. 5-05-020 was issued by the California Coastal Commission for the Brightwater Development Project.

2. The Specific Plan will enhance the potential for superior urban design in comparison with the development under the base district provisions that would apply if the Plan were not approved. The Specific Plan contains development standards and architectural and landscape design guidelines that will apply to the development of the six additional residential lots within the Specific Plan and to future additions, alterations and replacements due to the fire and the like that will ensure consistency with the high quality architectural and landscape design of the existing development and compatibility with surrounding development.

3. Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the Specific Plan. The Specific Plan provides for a cohesive development of residential and habitat areas that are compatible with adjacent single-family development on the north and east and with the environmentally sensitive Bolsa Chica area to the south. The Specific Plan provides for conservation of large habitat areas on the southern edge of the residential development that will preserve open space and provide views of Bolsa Chica area and the Pacific Ocean from the public trail area located at the northern portion of the habitat area. The Specific Plan also provides for preservation of environmentally sensitive habitat that will provide a public benefit to the City of Huntington Beach and surrounding communities.

4. The Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. The Specific Plan provides plans for all infrastructure including roadways and circulation, grading and drainage plans and utilities that will serve the Specific Plan site as consistent with the Brightwater Development Project approved by Orange County and the California Coastal Commission. The Specific Plan site is currently being developed with all necessary infrastructure that will be completed before annexation takes place. As analyzed in Subsequent EIR No. 551, the public service demands for the Specific Plan will not exceed the capacity of existing and planned systems, including the transfer of services from Orange County to the City of Huntington Beach after annexation. All public services, both before and after annexation, will be adequately met by existing resources including fire, police and emergency services. Emergency access will be adequate for the Specific Plan area in that all streets within the site will be public to allow emergency vehicles access to the site. In addition, the Specific Plan area will not be gated.

#### FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 06-01 AND ZONING TEXT AMENDMENT NO. 06-01:

1. Zoning Map Amendment No. 06-001 amending District Map No. 34 to prezone a 105.3 acres as Brightwater Specific Plan (Specific Plan-15) with a Coastal Zone Overlay, prezone approximately 0.065 acres as Residential Low Density with a Coastal Zone Overlay (RL-CZ), and rezone approximately 0.365 acres within the City from RL-CZ to SP-15-CZ and Zoning Text Amendment No. 06-01 for the adoption of the Specific Plan are consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan because the Specific Plan provides for a cohesive development of residential and habitat areas that are compatible with adjacent single-

family development on the north and east and with the environmentally sensitive Bolsa Chica area to the south. The Specific Plan provides community design standards for the future development of the remaining six homes and future additions, alterations, and replacements due to fire and the like that will ensure compatibility with surrounding development.

2. In the case of a general land use provision, the zoning map amendment and Specific Plan are compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The Brightwater Specific Plan provides single-family residential development that is consistent with existing single-family residential development adjacent to the north and east. The rezoning and prezoning of the areas to be included with the Sandover project are consistent with the zoning of that area.

3. A community need is demonstrated for the change proposed. The Brightwater Specific Plan will provide standards that will be consistent with the BDP approved by Orange County and the California Coastal Commission thereby allowing the project site to be annexed into the City. The development standards and community design guidelines contained in the Specific Plan will ensure that future development within the site will be compatible with surrounding existing development and maintain a high standard of design on the site.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The Specific Plan will provide standards for future development of the site that will maintain the existing character of the site and surrounding residential development. The Specific Plan also provides for the continued management and maintenance of important habitat areas so that they will not become a financial burden to the City. The Specific Plan also provides for a public trail along the northern portion of the large habitat area that will provide additional recreational opportunities to the City and surrounding communities.

**(City Council) Public Hearing Held - Adopted Resolution No. 2007-63 Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District (BID) for Fiscal Year 2007-2008**

Communication from the Director of Economic Development transmitting the following

**Statement of Issue:** On September 4, 2007, City Council approved the Resolution of Intent No. 2007-57 to levy an assessment for the Huntington Beach Hotel/Motel Business Improvement District for fiscal year 2007/2008 and authorized the City Clerk to schedule a public hearing. City Council will conduct the public hearing to consider adopting a resolution to approve the annual assessment for the 2007/2008 fiscal year.

**Funding Source:** Fund 709, Hotel/Motel Business Improvement District, account 70980101.

City Administrator Penny Culbreth-Graft called on Stanley Smalewitz, Director of Economic Development to provide a staff report. Director Smalewitz introduced Carol Runzel, Assistant Project Manager, who provided a PowerPoint presentation that outlined the following information: Background, Huntington Beach Hotel/Motel Participation, Current Status, Process and Recommended Action.

Mayor Coerper declared the public hearing open.

City Clerk Flynn read a statement regarding the process for holding a Business Improvement District Protest Hearing.

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

A motion was made by Green, second Bohr to 1) Conduct Public Hearing; and 2) Adopt City Council Resolution No. 2007-63, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Hotel/Motel Business Improvement District for Fiscal Year 2007-2008." The motion carried by the following roll call vote:

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

City Clerk Flynn reported on the percentages of assessments protested (0%).

**(City Council) Public Hearing Held - Adopted Resolution No. 2007-64 Approving an Annual Assessment Within the Huntington Beach Auto Dealers Business Improvement District (BID) for Fiscal Year 2007-2008, and Appropriate \$28,080 to Match the BID Proposed Budget**

Communication from the Director of Economic Development transmitting the following

**Statement of Issue:** On September 4, 2007, City Council approved the Resolution of Intent No. 2007-56 to levy an assessment for the Huntington Beach Auto Dealers Business Improvement District for fiscal year 2007/2008 and authorized the City Clerk to schedule a public hearing. City Council will conduct the public hearing to consider adopting a resolution to approve the annual assessment for the 2007/2008 fiscal year.

**Funding Source:** Fund 701, Huntington Beach Auto Dealers Business Improvement District, current revenue estimates provided in the original budget will fund additional expenditures in account 70180101.

City Administrator Penny Culbreth-Graft called on Carol Runzel, Assistant Project Manager, who provided a PowerPoint presentation that outlined the following information: Background, Participating Dealers, Current Status and Process.

Mayor Coerper declared the public hearing open.

City Clerk Flynn read a statement regarding the process for holding a Business Improvement District Protest Hearing.

**Bill Nelson**, Executive Director of Huntington Beach Auto Dealers Association, spoke in support of the item on behalf of the Association.

There being no persons present to speak further on the matter and there being no written protests filed, and 1 protest filed orally, the Mayor declared the public hearing closed.

City Clerk Flynn reported on the percentages of assessments protested (.0079%).

A motion was made by Green, second Bohr to 1) Conduct Public Hearing; 2) Adopt City Council **Resolution No. 2007-64**, "*A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Auto Dealers Association Business Improvement District for Fiscal Year 2007-2008*"; and, 3) Appropriate an additional \$28,080 in the Auto Dealers BID account 70180101 to match the BID proposed budget. The motion carried by the following roll call vote:

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

**(City Council) Public Hearing Held - Adopted Resolution No. 2007-65 Approving an Annual Assessment Within the Huntington Beach Downtown Business Improvement District (BID) for Fiscal Year 2007-2008, and Appropriate \$26,450 to the Downtown BID account**

Communication from the Director of Economic Development transmitting the following

**Statement of Issue:** On September 17, 2007, City Council approved the Resolution of Intent No. 2007-61 to levy an assessment for the Huntington Beach Downtown Business Improvement District for fiscal year 2007/08 and authorized the City Clerk to schedule a public hearing. City Council will conduct a public hearing to consider a resolution to approve the annual assessment for the 2007/08 fiscal year.

**Funding Source:** Fund 710, Downtown Business Improvement District, additional revenues not included in original budget will fund additional expenditures in account 71080101.

Councilmembers Bohr and Carchio recused themselves from action on the item due to possible conflicts of interest. Carol Runzel, Assistant Project Manager made a PowerPoint presentation that provided the following information: Background, Assessments, Downtown BID Map, BID Goals for 2007-08, Public Protest Hearing and Recommended Action.

Councilmember Hardy asked about the notification process. Manager Runzel explained that the notice was published in the Orange County Register, and that the City Clerk mailed notices to a list of downtown businesses provided by the Economic Development Department. Councilmember Hardy asked if the proposed assessment was made by the Downtown BID or the City. Director Smalewitz stated that the information was presented by the BID at one of their general meetings, and indicated that he wasn't sure of their noticing process.

Mayor Coerper declared the public hearing open.

City Clerk Flynn read a statement regarding the process for holding a Business Improvement District Protest Hearing.

**Susan Worthy**, downtown business owner in Zone 2, voiced concerns related to notification and a problematic schedule that makes it difficult for her to attend meetings of the BID. She suggested that the BID provide a post card to poll opinion for a qualified vote to approve or protest an imposed fee. She voiced opposition to the proposed rate increase, and stated her opinion that the business owners off Main Street don't receive the same consideration as those located on Main Street.

There being no persons present to speak further on the matter and there being no written protests filed, and 1 protest filed orally, the Mayor declared the public hearing closed.

City Clerk Flynn reported on the percentages of assessments protested (.0079%).

Mayor Pro Tem Cook asked Steve Daniels to address the issues communicated by speaker Susan Worthy. Mr. Daniels explained how the BID arrived at a 20% assessment, and how the proposed budget was sent out twice to BID members with notification that votes would be taken on the assessment at a general meeting. Discussion continued on the City's notification of a protest hearing, and Mayor Pro Tem Cook recommended that future notices provide a better explanation of what the fee represents per business, and what it will be used for. Susan Worthy explained why her business hours conflict with scheduled meetings of the BID, and how the assessment doesn't really benefit her antique shop business.

A motion was made by Hansen, second Green to **1) Conduct Public Hearing; 2) Adopt City Council Resolution No. 2007-65, "A Resolution of the City Council of the City of Huntington Beach Approving an Annual Assessment Within the Huntington Beach Downtown Business Improvement District for Fiscal Year 2007-2008"; and 3) Appropriate an additional \$26,450 to the Downtown BID account 71080101 and add to the revenue projection an additional \$26,450 in Fund 710 to match the proposed new assessment levels totaling \$96,450.** The motion carried by the following roll call vote:

AYES: Cook, Coerper, Green, Hansen, and Hardy  
NOES: None  
ABSTAIN: Carchio, and Bohr

### **Consent Calendar**

A motion was made by Green, second Bohr to approve all items on the Consent Calendar by affirmative roll call vote (Cook recorded as abstaining on City Council Minutes dated September 17, 2007; Coerper pulled Fireman's Fund Insurance Company Grant Program for discussion). The motion carried by the following roll call vote:

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

**(City Council/Redevelopment Agency) Approved Minutes** - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of September 17, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk. **Approved 6-0-1 (Cook/Abstain) as amended to change the term "towing" to "tolling" in a section identified by the City Attorney**

**(City Council) Approved Acceptance of Grant Funding Awarded to the City of Huntington Beach by the Fireman's Fund Insurance Company Grant Program for Purchase of Replacement Fire Hose for the Huntington Beach Fire Department -** Approved and authorized City staff to accept the Fireman's Fund Insurance Company grant award and expend grant funds to purchase replacement fire hose. Submitted by the Fire Chief. Funding Source: The Fireman's Fund Grant amount is \$12,000 and does not require any matching amount.

Fire Chief Duane Olson provided a brief report on grant activity.

**(City Council) Adopted Resolution No. 2007-66 Supporting Mandatory Funding for Veterans' Healthcare Services -** Adopted Resolution No. 2007-66, "*A Resolution of the City Council of the City of Huntington Beach Supporting Mandatory Funding for Veterans' Healthcare Services.*" Submitted by the City Attorney. Funding Source: No funds are required.

**(City Council) Approved the Appointments of Whitney Graham, John Baley, Lew Stowers and Raisa Barkley to the Citizen Participation Advisory Board (CPAB) to Serve a Four-Year Term Expiring September 30, 2011; Approved the Reappointments of Robert Cummings and Ann Spiratos to Serve Their First Full Four-Year Term Expiring September 30, 2011; and, Approved the Reappointments of Patrick Burns, Diane Campbell, Angie Dahman and Michael Johnson to Serve a Second Four-Year Term Expiring September 30, 2011, as Recommended by Mayor Gil Coerper and Councilmembers Cathy Green and Joe Carchio, CPAB Liaisons -** 1) Approved the appointment of Whitney Graham, John Baley, Lew Stowers, and Raisa Barkley to the Citizen Participation Advisory Board for one term (four years), ending September 30, 2011; 2) Approved the reappointment of Robert Cummings and Ann Spiratos to the Citizen Participation Advisory Board to serve their first term, ending September 30, 2011; and, 3) Approved the reappointment of Patrick Burns, Diane Campbell, Angie Dahman, and Michael Johnson to the Citizen Participation Advisory Board for a second term (four years), ending September 30, 2011. Submitted by Mayor Gil Coerper and Councilmembers Cathy Green and Joe Carchio, Liaisons to the Citizen Participation Advisory Board. Funding Source: Not applicable.

**(City Council) Adopted Resolution No. 2007-68 Which Incorporates and References the Continuation of Funding in the Amount of \$26,613,633 for Capital Improvement Program (CIP) Projects That Were Budgeted and Not Completed by the End of the Fiscal Year (09/30/2007) and Need to be Continued to Fiscal Year 2007/08 -** Adopted Resolution No. 2007-68, "*A Resolution of the City Council of the City of Huntington Beach Amending the Fiscal Year 2007/08 Budget to Carry Over Unspent Appropriations from Fiscal Year 2006/07*" which incorporates and references the continuation funding exhibit listing individual capital improvement projects totaling \$26,613,633. Submitted by the Director of Finance. Funding Source: Fiscal Year 2006/2007 budget appropriations.

**(City Council) Approved a City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee (IRC)**

Communication from Councilmember Jill Hardy, Chair on behalf of Intergovernmental Relations Committee Members Councilmembers Don Hansen and Keith Bohr transmitting the following **Statement of Issue**: Approve a City Council position as recommended by the City Council Intergovernmental Relations Committee (IRC) on legislation pending before a federal, state, or regional government, thereby authorizing the Mayor to communicate the City's position to the elected members of the federal or state legislature, or regional body.

A motion was made by Hardy, second Bohr to 1) OPPOSE AB 70 (Jones) - Water Code, relating to flood liability as enrolled to the Governor; and 2) Authorize a Letter of Support for House version of the 2008 funding for the Community Development Block Grant (CDBG) program. The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3779 Amending Chapter 230.96 of the Huntington Beach Zoning and Subdivision Ordinance Titled Wireless Communications Facilities With a Purpose to Encourage and Facilitate Wireless Communication Throughout the City While Allowing the City to Exercise Reasonable Control Over the Time, Place and Manner of Installation of Wireless Facilities Including Those in the Public Right-of-Way; and, Establishes a Wireless Permit Application Process That Encourages Co-Location and the Undergrounding of Wireless Facilities**

Approved for Introduction September 17, 2007.

A motion was made by Green, second Carchio to after the City Clerk reads by title, Adopt **Ordinance No. 3779**, "*An Ordinance of the City of Huntington Beach Amending Chapter 230.96 of the Huntington Beach Zoning and Subdivision Ordinance Titled Wireless Communications Facilities*" by roll call vote. The motion carried by the following roll call vote:

AYES: Bohr, Carchio, Cook, Coerper, Green, and Hardy  
NOES: Hansen

**(City Council) Adopted Ordinance No. 3780 Amending Chapter 12.13 of the Huntington Beach Municipal Code Relating to Street Work Generally Which Remedies Several Inconsistencies Between Zoning Text Amendment (ZTA) 06-08 and the Process by Which Public Works Currently Issues Encroachment Permits**

Approved for Introduction September 17, 2007.

A motion was made by Green, second Hansen to after the City Clerk reads by title, Adopt **Ordinance No. 3780**, "*An Ordinance of the City of Huntington Beach Amending Chapter 12.13 of the Huntington Beach Municipal Code Relating to Street Work Generally*" by roll call vote. The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3781 Amending Chapter 12.38 of the Huntington Beach Municipal Code Relating to Encroachments Which Remedies Several Inconsistencies Between Zoning Text Amendment (ZTA) 06-08 and the Process by Which Public Works Currently Issues Encroachment Permits**  
Approved for Introduction September 17, 2007.

A motion was made by Green, second Bohr to after the City Clerk reads by title, Adopt **Ordinance No. 3781**, "*An Ordinance of the City of Huntington Beach Amending Chapter 12.38 of the Huntington Beach Municipal Code Relating to Encroachments*" by roll call vote. The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3782 Deleting Chapter 12.48 of the Huntington Beach Municipal Code Relating to Wireless Digital Communications Radio Networks Due to the Bankruptcy of the "Metrocom" Wireless System**  
Approved for Introduction September 17, 2007.

A motion was made by Green, second Hansen to after the City Clerk reads by title, Adopt **Ordinance No. 3782**, "*An Ordinance of the City of Huntington Beach Amending Chapter 12.48 of the Huntington Beach Municipal Code Relating to Wireless Digital Communications Radio Networks*" by roll call vote. The motion carried by the following roll call vote:

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

**(City Council) Adopted Ordinance No. 3783 Amending Chapter 17.64 of the Huntington Beach Municipal Code Regarding Locating Utility Facilities in the Public Right-of-Way to Clearly Prohibit Installation of New Antennae Structures Such as Boxes and Cabinets Above Ground**  
Approved for Introduction September 17, 2007.

A motion was made by Green, second Carchio to after the City Clerk reads by title, Adopt **Ordinance No. 3783**, "*An Ordinance of the City of Huntington Beach Amending Chapter 17.64 of the Huntington Beach Municipal Code Relating to Undergrounding of Utilities*" by roll call vote. The motion carried by the following roll call vote:

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

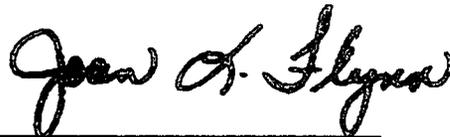
**Council Comments - (Not Agendized)**

**Councilmember Green** reported attending the Police Departmental Promotional Ceremony honoring Captain Craig Junginger, Lieutenant Steve Bushhousen and Sergeant Jerry Abrams; Beach/Edinger Workshop No. 4; retirement celebrations for Fire Chief Jacques Pelletier and Police Captain Dan Johnson; and, Orange County Coastkeepers Party honoring Joan Irvine Smith.

**Councilmember Carchio** reported attending retirement celebrations for Fire Chief Jacques Pelletier and Police Captain Dan Johnson, and the Police Department Promotional Ceremony honoring Captain Craig Junginger, Lieutenant Steve Bushhousen and Sergeant Jerry Abrams.

**Mayor Coerper** reported attending the Casa Youth Shelter Dinner at the Hyatt and Eagle Court of Honor for Mr. Stevenson.

**Council/Agency Adjournment at 9:00 p.m., to the next regularly scheduled meeting of Monday, October 15, 2007 at 4:00 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-Chair