

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

Monday, October 18, 2004  
5:30 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 5:30 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.

The 5:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 5:30 p.m. in Room B-8 due to a lack of quorum.

**Call to Order**

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:32 p.m. in Room B-8.

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

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
Absent: None

**The City Clerk Announced Late Communications**

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

Communication submitted by the Fire Department of a Power Point presentation titled *Hazard Mitigation Plan Review*.

**(City Council) Study Session Held – Presentation Made by the Fire Department on the Huntington Beach/Fountain Valley Hazard Mitigation Plan (340.70)**

Fire Chief Duane Olson introduced Glorria Morrison, Emergency Services Coordinator/Hazard Mitigation Planning Committee Chair, who spoke on the Hazard Mitigation Plan. Ms. Morrison gave a PowerPoint report detailing: (1) Disaster Mitigation Act of 2000 (2) Project Contributors (3) Plan Layout (4) Hazards and Mitigation Strategies and (5) Plan Completion.

Coordinator/Chair Morrison described the four phases of an emergency, requirements that must be met in order to be in compliance and become eligible for Hazard Mitigation Grants; the partnerships with school districts and the City of Fountain Valley; hazards and mitigation strategies specific to Huntington Beach including windstorms, tsunami, subsidence, dam failure, flood, and earthquake; and the plan's completion and maintenance.

Council inquiries followed relative to Global Warming, the length of time staff worked on the project and how citizens will be notified (via the City website, newsletters or CERT training), and whether buildings near earthquake faults will qualify to rebuild after a quake. Accolades were given to staff for their work.

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

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

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

NOES: None

ABSENT: None

**(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 **AES Construction Group v. City of Huntington Beach**, Orange County Superior Court Case No. 04CC06597. (120.80)

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

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

Absent: None

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

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

**Pledge of Allegiance** – Led by Mayor Cathy Green

**Invocation** – Led by Councilmember Dave Sullivan

**The City Clerk Announced Late Communications**

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

Communication submitted by the Fire Department of a Power Point presentation titled *Hazard Mitigation Plan Review*.

Communication submitted by Michael E. Balsamo, Director of Governmental Affairs, Orange County Chapter of Building Industry Association of Southern California dated October 18, 2004 titled *Affordable Housing Ordinance No. 3687, ZTA 04-04, Subdivision Ordinance Section 230, October 18, 2004*.

Communication submitted by Scott Darrell, Executive Director, The Kennedy Commission dated August 18, 2004 titled *Public Comment in Reference to Proposed Affordable Housing Ordinance*.

Communication submitted by John Sisker dated October 18, 2004 and titled *Mobile Home Park Relocation Ordinance Update* stating his support for the approval of the ordinance.

Communication from David Biggs, Director of Economic Development, dated October 18, 2004 at the request of Councilmember Dave Sullivan, to provide Council with memorandum and maps related to the Mobile Home Park Conversion Ordinance.

Communication from the Public Works Department correcting proposed Ordinance No. 3688 as follows: "Uniform Plumbing Code" is revised to "California Plumbing Code, 2001 Edition" and "Uniform State Codes" is revised to "California State Codes".

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

Communication submitted by Vickie Talley, Executive Director, Manufactured Housing Educational Trust (MHET) dated October 18, 2004 titled *Proposed Mobile Home Park Conversion Ordinance Modification*.

Communication submitted by Vickie Talley, Principal, Talley & Associates, Inc. dated October 18, 2004 titled *Proposed Mobile Home Park Conversion Ordinance Modification*.

Communication from David Biggs, Director of Economic Development, dated August 23, 2004 titled *Entitlement Permit Streamlining*.

Communication submitted by Councilmember Debbie Cook dated October 15, 2004 which is a letter with attachments from Steve Gullage, President of the Golden State Mobilhome Owners League, Inc. (untitled).

**(City Council) Announcement Made by Mayor Cathy Green Regarding Poll Workers Needed for November 2, 2004 Election (120.85)**

Mayor Green made an announcement regarding the need for poll workers for the November 2, 2004 election, the qualification requirements, and the amount of stipend. The Mayor also announced that the Registrar of Voters can be reached at 714-567-7580 or [www.ocvote.org](http://www.ocvote.org) for further information.

**Presentation** made by Mayor Cathy Green who called on Mr. Ray Hiemstra, Vice Chair of the Environmental Board, to assist in recognizing the Environmental Board Award recipients for 2004. Commendations were presented to the following individuals and groups: Huntington Landmark Recycling Club, Bolsa Chica Land Trust, Mark Bixby, Eileen Murphy, Mike McMahan, Ted Dowding, and the Los Angeles and Orange Counties Building and Construction Trades Council AFL-CIO and Associated Craft Unions. (160.40)

**Mayor's Award** - Mayor Cathy Green was joined by Library Director Ron Hayden who presented the Mayor's Award to Librarian Lia Hernandez. Ms. Hernandez was recognized for her efforts to revamp the Young Adult section of the library and for her contribution to the increase of young patrons and volunteers. (160.40)

**Public Comments**

**Joey Racano**, City Council candidate, spoke regarding the City's budget. He recommended putting a stop to what he referred to as "soft money" contributions during elections in order to minimize his perceived impact of special interest advocacy groups. Mr. Racano further recommended the regionalization of public safety services and a re-examination of redevelopment.

**Steve Stafford** spoke regarding bonds he alleged were released illegally by certain city officials, locations of offices including a shoe store and the City dump, and safety issues.

**John Ott** spoke relative to the Pediatric Brain Tumor Support Organization and a Casino Night fundraiser being held on November 19, 2004 at the Waterfront Hilton Hotel. Mr. Ott distributed a communication promoting the fundraiser, and announced ticket information could be obtained by calling: 714-969-5635 or 949-459-9187.

**Mark Bixby** spoke in opposition to Parkside-Shea property development and gave a PowerPoint presentation titled *2<sup>nd</sup> Annual Parkside Update* depicting raptor and other bird species as part of an annual update. Mr. Bixby gave his website as [www.bixby.org/parkside](http://www.bixby.org/parkside).

**David Silva** informed Council that he is running for the 67<sup>th</sup> District State Assembly in the November 2004 election and announced his website, [www.davesilva4assembly.org](http://www.davesilva4assembly.org) for further information.

**Peter Albini** spoke regarding the proposed Mobile Home Park Conversion Ordinance and the balance of rights between property owners and residents.

**Joseph Unger** spoke regarding the Huntington Harbour Property Owners Association (HHPOA) and the Las Fuentes community. He stated his opinion that there has been an increase in the number of flights and aircraft noise in his neighborhood. Mr. Unger also spoke about property taxes and city services.

Councilmember Cook announced that the jurisdiction of aircraft flight paths is the Federal Aviation Administration (F.A.A.) and the City of Long Beach.

**William Kerwin**, candidate for the interim City Council vacancy, spoke regarding his good fortune of having lived in Huntington Beach for the last five years. Mr. Kerwin presented his background as an attorney and listed other qualifications.

**(City Council) Councilmember Dave Sullivan - Council Liaison Report Regarding Growth Management Area 6 (GMA 6) (120.85)**

Councilmember Sullivan announced he is the Council Representative to the GMA 6 and gave the following updates: The city received \$150,000.00 for a left turn modification at Brookhurst Street and Pacific Coast Highway and for a study of minor street widening. The Bolsa Chica Capacity Augmentation Study received \$140,000.00 to study the street for "Smart Street" efficiency. \$100,000.00 was received for the Pacific Coast Highway and Warner Avenue intersection for studies relating to environmental concerns. Dr. Sullivan thanked City Engineer Dave Webb and Transportation Manager Bob Stachelski for their work on these projects.

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

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

A motion was made by Hardy, second Boardman to review and accept the monthly report titled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for August 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, Cook  
NOES: None  
ABSENT: None

**(City Council) Public Hearing Held - Approved Zoning Text Amendment (ZTA) No. 04-04 Amending Chapter 230 of the Zoning and Subdivision Ordinance (HBZSO) by Adding a New Section Entitled "Affordable Housing" Relating to the Construction of Residential Projects with Three or More Units – Approved Introduction of Ordinance No. 3687 as Amended to Remove the Median Level of Affordability and to Exclude Consideration of Land Value in Regards to Rehabilitation Measurements - Directed Staff to Return to Council Reporting on Feasibility of Preferential Treatment for Residents and Persons Employed in Huntington Beach and Study of Other Cities (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 Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to include provisions for affordable housing. The proposed amendment would codify requirements to provide affordable housing in conjunction with construction of residential projects that consist of three or more units.

**Location:** Citywide

**Environmental Status:** Notice is hereby given that this agenda tem 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.

Planning Director Howard Zelefsky reported orally and Senior Planner Mary Beth Broeren presented a PowerPoint report titled *Zoning Text Amendment No. 04-04 Affordable Housing Ordinance*, which was included in the agenda packet. Planner Broeren referred to Late Communications received on this hearing.

Staff responded to Council inquiries regarding the communication from the Kennedy Commission, the Building Industry Association (BIA) and the Chamber of Commerce.

Director Zelefsky announced the percentages by affordability level within the City.

Prior to announcing the public speakers, City Clerk Joan L. Flynn restated the Late Communications for the record that pertain to this public hearing. Mayor Green declared the public hearing open.

**Kirk Evans** stated his concern regarding the proposed ordinance and what he alleged as the disparate treatment for commercial land developers, who are not required to provide any affordable housing. Mr. Evans also spoke relative to deed restrictions and the City's monetary contribution to affordable housing.

**Scott Darrell**, Director of the Kennedy Commission, spoke in support of affordable housing. He stated concerns regarding the defining of levels of affordability and where and when in lieu fees can be used. Mr. Darrell also referred to some affordable housing studies, which he stated in his opinion are flawed.

**Mike Adams** spoke regarding the history of recommendations provided by the committee and stated his concerns relative to rehabilitation of units, measurement standards, and the cost of the 60-year provision.

**Dick Harlow** stated his objection to any changes being made to the ordinance other than what he stated had been recommended by the previous speaker. Mr. Harlow further stated his opinion that "moderate" housing should qualify as affordable, and that the rehabilitation measurement should be tied to construction costs rather than market value.

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.

Mayor Green asked if it was possible to give preferential treatment to Huntington Beach residents for affordable housing, to which Planning Director responded in the affirmative, suggesting an ordinance could be crafted.

Discussion ensued amongst Council and staff relative to when the City has approved an affordability provision of less than 60 years, what other differences in requirements had been suggested, notification to developers, rehabilitation of property measurements, and levels of affordability.

A motion was made by Boardman, second Cook to:

1. Approve Zoning Text Amendment No. 04-04 with Findings for Approval (**Attachment No. 1 – at the end of this item**)

**and**

2. After the City Clerk read by title, approve introduction of **Ordinance No. 3687- "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Adding New Section 230.26 thereto Entitled "Affordable Housing" as amended** to add percentages as follows: 30% very low; 40% low; and 30% median to apply to rental units and with changes to the code defining rehabilitation measurements using the value of the property with the value of the land excluded.

Prior to casting votes, Councilmember Sullivan expressed opposition to the median level of affordability as the City has already exceeded the designated amount.

Councilmember Boardman amended her motion, to which the second agreed, to remove the median level of affordability and to remove the set percentages at the low and very low levels.

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

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

A motion was made by Sullivan, second Green to direct staff to report back to Council on the possibility of amending the ordinance to give preferential treatment for Huntington Beach residents for affordable housing.

Councilmember Cook requested the motion be amended to include preferential treatment for those who work within the City and that a study of other cities is conducted, to which the maker of the motion agreed. The **amended** motion carried by the following roll call vote:

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

**Attachment No. 1****SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 04-04:**

1. Zoning Text Amendment No. 04-04 to add requirements for the provision of affordable housing in conjunction with the construction of new residential projects is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The City of Huntington Beach Housing Element Goal HE 3 is to "Assist in the Development of Affordable Housing." Housing Element Implementation Program HE-19 is to specifically implement inclusionary housing.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed amendment would not alter nor conflict with any adopted development standards.
3. A community need is demonstrated for the change proposed. There is a general need for more affordable housing within the City of Huntington Beach as evidenced by rising prices. The proposed ordinance would assist in meeting that need by requiring the provision of affordable housing.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The text amendment will result in housing that is more affordable, which benefits the general welfare of the community.
5. The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Class 20, City Council Resolution No. 4510, which supplements CEQA, because the amendment is a minor text amendment that does not result in a change in development intensity or standards that will create an environmental impact.

**(City Council) Public Hearing Held - Continued Open from 10/4/04 -Approved Zoning Text Amendment (ZTA) No. 01-03 (Mobile Home Park Conversions) Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Relocation Benefits – Approved Ordinance No. 3689 for Introduction as Amended to Incorporate Changes Proposed by GSMOL, Excluding Item G, Page D-2.8 and Re-Directing Appeals to an Arbitrator in Lieu of the City Administrator - Directed Planning Staff to Conduct Research of Further Modifications to Chapter 234 (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: ZTA:** To amend Chapter 234 Mobilehome Park Conversions of the Huntington Beach Zoning and Subdivision Ordinance related to relocation benefits for mobilehome owners when a mobilehome park is converted.

**Location:** Citywide.

**Environmental Status:** Notice is hereby given that this agenda item, Zoning Text Amendment No. 01-03 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.

City Attorney Jennifer McGrath orally reported.

Councilmember Boardman reported on the history of the proposed ordinance, which was the subject of her September 7, 2004 Council memo, provided clarification of the revisions made, and outlined her exceptions to certain revisions.

A motion was made by Boardman, second Sullivan to approve for introduction **Ordinance No. 3689** – “*An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions,*” and Zoning Text Amendment No. 01-03 with Findings for Approval **amended** to include the modifications suggested in the GSMOL letter received October 15, 2004. The motion was **withdrawn** by the maker and second as the public hearing had yet to be opened.

Mayor Green declared the public hearing open.

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

Communication submitted by John Sisker dated October 18, 2004 and titled *Mobile Home Park Relocation Ordinance Update* stating his support for the approval of ordinance.

Communication from David Biggs, Director of Economic Development, dated October 18, 2004 at the request of Councilmember Dave Sullivan, to provide Council with memorandum and maps related to the Mobile Home Park Conversion Ordinance.

**Mary Jo Baretich** spoke in support of an ordinance that provides “in place” market value and a 20-mile relocation radius. Ms. Baretich spoke further regarding seniors and their reliance on a local network and of rent increases.

**Michael Kusz** informed Council of the similarities between his mobile home and permanent homes and expressed his concerns relating to rent increases.

**Elmer Smith** spoke in opposition to the changes made by the City Attorney to the proposed ordinance.

**Joey Racano** spoke about his concerns for mobile home park residents who are seniors and alleged that the City opposes the continued existence of mobile home parks within its boundaries.

**Robert Lupo** spoke regarding what he referred to as the inevitability of lawsuits and compared the mobile home park situation to the situation involving wetlands and developers.

**Steve Gullage**, President of the Golden State Mobil Homeowners League (GSMOL) informed Council of his opposition to the latest revisions to the proposed ordinance. He stated his opinion that a 50-mile relocation radius is too wide.

Mayor Green asked Mr. Gullage to confirm the existence of over 36,000 mobile homes in a 20-mile radius of the City, to which Mr. Gullage responded in the affirmative.

**Jim Barker** asked the Council to support the recommendations made by the GSMOL.

**Thomas Cox** thanked Council for its support on the issue and stated his concern about the exemption allowed in the proposed ordinance.

**Vickie Talley**, Executive Director, Manufactured Housing Educational Trust (MHET) commented on the motion made prior to the opening of the hearing and reiterated her opposition to what she defined as an unconstitutional, ill-conceived ordinance. Ms. Talley further stated concerns relative to the notification process and the relocation expense referred to in the proposed ordinance.

**Cathy Bausch** informed Council that she has recently become employed in the City and is concerned that she will not be able to afford to also live in the City. Ms. Bausch spoke regarding a mobile home as an option for her.

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.

City Attorney McGrath spoke regarding the defensibility of the proposed ordinance prepared by her office.

Councilmember Boardman outlined changes proposed by the Golden State Mobilehome Owners League (GSMOL) in a letter received October 15, 2004 and made a motion, second Sullivan to:

**1.** After City Clerk reads by title, approve for introduction **as amended** to incorporate the changes proposed by the GSMOL in the letter received October 15, 2004 by roll call vote, **Ordinance No. 3689** – *“An Ordinance of the City of Huntington Beach Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions,”* and Zoning Text Amendment No. 01-03 with Findings for Approval (**Attachment No. 1 – at the end of this item**);

**And**

**2.** Direct Planning staff to conduct additional research of further modifications to Chapter 234.

Attorney McGrath informed Council that item G, page D-2.8 of the GSMOL letter would result in increased expenses to the homeowners.

Councilmember Coerper informed Council that he supports the motion with the exception of the level of appeal. He stated the opinion that appeals should be directed to an arbitrator, rather than the City Administrator. Councilmember Cook stated her concurrence.

Councilmember Boardman amended her motion to direct appeals to an arbitrator. Councilmember Sullivan concurred, and clarified the motion includes the removal of item G, page D-2.8 of the GSMOL letter received October 15, 2004.

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

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

**Attachment No. 1****SUGGESTED FINDINGS OF APPROVAL FOR ZONING TEXT AMENDMENT NO. 01-03:**

1. Zoning Text Amendment No. 01-03 to amend Chapter 234, Section 234.08 and add Section 234.09 of the Zoning and Subdivision Ordinance is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan as it incorporates the most current State changes to the code.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment represents two minor changes that do not affect the overall intent of the ZSO with respect to Chapter 234.
3. A community need is demonstrated for the ordinance as it establishes a method of providing relocation assistance consistent with California Government Code Sections 65863.7.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the amendment brings the code in compliance with the California Government Code.

The City Council recessed for 10 minutes.

**(City Council) Continue Open to November 1, 2004 Meeting Public Hearing - Continued Open from 9/20/04 and 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 – Straw Votes Taken on Items Relating to Ordinance Nos. 3668A, 3668B and 3669 through 3682, Inclusive on Various Issues Including Neighborhood Notification (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.

Planning Director Howard Zelefsky orally reported. Assistant Planner Rosemary Medel presented a PowerPoint report titled *Zoning Text Amendment 03-02 Entitlement Permit Streamlining Phase II*, which was included in the agenda packet. Planning Manager Scott Hess was also available for questions.

Mayor Green declared the public hearing open.

**Steve Ray** spoke regarding the application process and recommended areas for improvement. Mr. Ray also informed Council of the differences in staff and Planning Commission recommendations relative to notification.

City Clerk Flynn announced a Late Communication submitted by Economic Development Director David Biggs dated August 23, 2004 and titled *Entitlement Permit Streamlining*.

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.

The City Council decided to take straw votes on the following items of concern from page numbers D-3.1 through D-3.9 of the staff report:

A straw motion was made by Sullivan, second Hardy to increase neighborhood notification to 300 feet. Councilmember Cook suggested amending the motion to also increase notification to 500 feet for conditional use permits (CUPs). The maker and the second to the motion accepted this amendment. The **amended straw motion** carried by the following roll call vote:

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

A straw motion was made by Sullivan, second Cook to keep the review for #7 (Day Care, Large Family Max. 12 (A)(O)) and #8 (Day Care, General (RL Zone-L-1), (RM, RMH, RH, RMP Zones) at the current Zoning Administrator Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Hardy, second Green to keep review for #28 (Day Care, General (CO, CG Zones)) at the current level of approval and sizes which is <2,500 ZA, >2,500 PC. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Sullivan, second Coerper to keep the review of #19 (Group Residential (CO,CG,CV Zones)) at the current Planning Commission Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Sullivan (not seconded and subsequently **withdrawn**) to keep the review of #24 (Emergency Shelters & Emergency Kitchens in CG Zone) at the current levels.

A straw motion was made by Hardy, second Cook to keep the review of #44 (Commercial Recreation and Entertainment (CG, CV Zones)) and #47 (Communication Facilities w/Dancing (CO, CG, CV Zones)) at the current Planning Commission Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Boardman, second Coerper to keep the review of #75 (Schools, Public or Private (IG, IL Zones)) at the current Planning Commission Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Sullivan, second Cook to keep the review of #86 (Eating & Drinking Establishments (IG, IL Zones)) at the current Zoning Administrator Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Coerper, second Boardman to keep the review of #96 (Services Stations (IG, IL Zones)) at the current Planning Commission Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Boardman, second Cook to keep the review of #121 (Permitted Fences and Walls, A.11 Deviations from the maximum height in front yard only) at the current Zoning Administrator Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Green, second Hardy to keep the review of #114 (Sec. 220.24, Criteria for Modification or Reduction of Dedication requirements), #117 (Sec. 230.36 Transportation Demand Management-C Applicability (3b) – Use classifications), #119 (Sec. 230.46 Single Room Occupancy – A-8. General Provisions – Permits the Director to revoke CUP), and #122 (Permitted Fences and Walls, B.2. Industrial screening walls abutting arterial highways) at the Zoning Administrator Level. The straw motion was **withdrawn** in order to take separate straw votes.

Discussion ensued relative to the information listed in the matrix and the draft ordinances, and the specific line items referred to in the above motion.

A straw motion was made by Cook, second Boardman to reinstate #119 (Sec. 230.46 Single Room Occupancy – A-8. General Provisions – Permits the Director to revoke CUP) to the Ordinance at current review Planning Commission/City Council Levels of review. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Cook, second Boardman to allow an exemption to Sec. 230.88 Fencing and Yards to allow 2 foot lattice extensions on 6 foot private property separation walls with neighborhood notification. The **straw motion** carried by the following roll call vote:

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

A motion was made by Boardman, second Cook to complete the entire agenda at this meeting. The motion carried by the following roll call vote:

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

A straw motion was made by Coerper, second Sullivan to keep the review of #125 (Sec. 231.20 Compact Parking – A. Non residential developments with minimum 20 stalls may apply for up to 20% compact parking. Over 20% requires ZA approval) at the current Zoning Administrator/Planning Commission/City Council Level. The motion **was withdrawn**.

A straw motion was made by Cook, second Coerper to delete Section 231.20 and other references to compact parking. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Cook (no second) to require commercial areas to have one bike space for every 20 car spaces, provisions for locking of bicycles such as a rack, and the spaces be conveniently located near store entrances with no less than 3 or 4 bike spaces per lot.

Following Council discussion, Councilmember Cook agreed to bring the above motion back at the next meeting at which time further straw votes would be taken.

A motion was made by Sullivan, second Cook **to close** the public **testimony** portion of the hearing and **continue the item to the November 1, 2004 regular meeting**. The motion carried by the following roll call vote:

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

**(City Council) Public Hearing Held – Approved the Fats, Oils and Grease (FOG) Control Program Amending Huntington Beach Municipal Code by Adding Chapter 14.56 for Regulation of Fats, Oils and Grease Discharged by Food Service Establishments into the Sewer System - Approved Introduction of Ordinance No. 3688 as Amended to Incorporate Recommendations from Public Works Commission and Corrections by Public Works Department (1020.60)**

Mayor Green announced that this was the time noticed for a public hearing to consider imposing a Fats, Oil and Grease (FOG) Control fee as an additional charge on food service establishments. This added charge is necessary to recover costs to implement a Fats, Oils, and Grease (FOG) Control Program as mandated by the State.

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

Public Works Director Robert F. Beardsley orally reported regarding the major benefits of the ordinance.

Principal Civil Engineer Todd Broussard presented a PowerPoint report titled *FOG Ordinance & Fee*, which had been included in the agenda packet.

A six-minute video was presented regarding Kitchen Best Management Practices.

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 the Public Works Department correcting proposed Ordinance No. 3688 as follows: "Uniform Plumbing Code" is revised to "California Plumbing Code, 2001 Edition" and "Uniform State Codes" is revised to "California State Codes".

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.

Director Beardsley requested that the Public Works Commission recommendations shown on the PowerPoint presentation, slide No. 9 be included as an amendment to the ordinance.

After the City Clerk read by title, a motion was made by Hardy, second Coerper to approve introduction of **Ordinance No. 3688** – "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding Chapter 14.56 Entitled Control and Regulation of Fats, Oils and Grease Discharged into the Sewer System" **as amended** to incorporate recommendations from the Public Works Commission and corrections suggested by the Public Works Department as stated on the Late Communication announced earlier.

The motion carried by the following roll call vote:

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

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

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Donation of Surplus DNA Lab Equipment to the Orange County Sheriff's Department for Use in the Forensic Crime Lab Analysis Unit

**Consent Calendar – Items Approved**

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

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

**(City Council/Redevelopment Agency) Minutes** (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of September 7, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Adopted Resolution No. 2004-85 Approving the Huntington Beach/Fountain Valley Hazard Mitigation Plan\_** (340.70) – Adopted **Resolution No. 2004-85** – “A Resolution of the City Council of the City of Huntington Beach Approving the Huntington Beach/Fountain Valley Hazard Mitigation Plan.” Submitted by the Fire Chief. Funding Source: None required. (See 5:00 p.m. Study Session portion of the meeting.)

**(City Council) Accepted Fiscal Year 2004/2005 Award from the Department of Justice – Local Law Enforcement Block Grant (LLEBG) – Established a Separate Business Unit for and Authorized Expenditure of Funds** (340.70) – **1.** Accepted the total grant award of \$32,331 from the Department of Justice for funding cycle 2004-2005 and appropriated funds; and **2.** Established a separate business unit for this funding; and **3.** Authorized the Chief of Police to expend \$32,331 plus any accrued interest on Police Department equipment as described. Submitted by Police Chief. Funding Source: A 10% City match of \$3,233 is required and is within the Police Department's 2004-2005 budget, under account 10070101. The grant account business unit will be established.

**(City Council) Accepted Grant Award from the Office of Traffic Safety (OTS) Driving Under the Influence (DUI) Interdiction Program – Authorized Expenditure of Funds** (340.80) – **1.** Approved and accepted the *State of California Business, Transportation & Housing Agency Office of Traffic Safety Grant Agreement Project Number AL0543* with the City of Huntington Beach; and **2.** Approved the appropriation of \$371,780 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the Office of Traffic Safety; and **3.** Authorized the expenditure of funds not to exceed \$371,780 to provide DUI enforcement, conduct DUI checkpoints/saturation patrols and conduct a DUI responsible beverage service education program. Submitted by Police Chief. Funding Source: This is a reimbursable grant, which is funded by the State of California-OTS in the amount of \$371,780 for the period of October 1, 2004 to December 31, 2006. Funds will need to be appropriated from the unreserved, undesignated General Fund Balance, but will be fully reimbursed by the grant from the Office of Traffic Safety. No other matching or in-kind City funds required for this grant.

**(City Council) Approved Appropriation of Funds from the State Narcotics Forfeiture Account to Pay for Police Department Expenditures (320.45) – 1.** Appropriated \$250,000 from the State Narcotics Forfeiture Fund, number 21400214 to expense account 21470101; and **2.** Approved the expenditure of those funds to pay for costs within the Police Department. Submitted by the Police Chief. Funding Source: Appropriate \$250,000 from the State Narcotics Forfeiture Account, Fund 21400214 to expense account 21470101.

**(City Council) Accepted Fiscal Year 2004/2005 Supplemental Law Enforcement Services Grant from the California State Citizens Option for Public Safety (COPS) Funding Program –Established a Separate Business Unit – Appropriated and Authorized Expenditure of Funds (340.80) – 1.** Approved the spending plan for the Fiscal Year 2004-2005 SLESF grant; and **2.** Accepted the grant award of \$291,597 from the County of Orange SLESF for funding cycle year 2004/2005; and **3.** Established a separate business unit for this funding; and **4.** Authorized the Chief of Police to expend \$291,597, plus any accrued interest on technology associated with patrol related equipment as described; and **5.** Appropriated \$291,597, plus and accrued interest to be expended on patrol related equipment. Submitted by the Police Chief. Funding Source: No match will be required for this grant.

**(City Council) Authorized the Rejection of Bids for CC-1154, Gothard Street Rehabilitation and CC1107, Gothard Street Communications Conduit Combined Projects (Located between Ellis and Heil Avenues) – Directed the City Clerk to Return All Bid Bonds – Authorized the Re-Advertisement of Bids for CC-1154 (600.80) 1.** Rejected all bids received for the Gothard Street Rehabilitation Project, CC-1154 and Gothard Street Communications Conduit Project (Phase 1), CC-1107 combined projects, and directed the City Clerk to return all bid bonds; and **2.** Authorized the Director of Public Works to re-advertise the Gothard Street Rehabilitation Project, CC-1154 for bids. Submitted by the Public Works Director. Funding Source: Project funds are budgeted in the Gas Tax, Arterial Rehabilitation, Street Improvements Account No. 20790008.82300. The engineer's preliminary estimate is \$628.850.

**(City Council) Authorized Additional Expenditures for Beach Boulevard Widening Improvements at Edinger Avenue Project, CC-1105 (600.50)** Increased the contract contingency amount in CC-1105 by \$20,000. Submitted by the Public Works Director. Funding Source: Adequate funds are budgeted in the Orange County Transportation Authority (OCTA) Grant Fund, Beach/Edinger Improvements, Street Improvements Account No. 87390003.82300. This amount includes a grant of \$452,519, and \$47,500 matching funds from the Traffic Impact Fund.

**(City Council) Accepted Grant between the California State Office of Criminal Justice Planning and the City for Violence Against Women/Domestic Violence Program Funds (340.80) – 1.** Accepted the grant between the State of California, Office of Criminal Justice Planning and the City of Huntington Beach; and **2.** Approved the appropriation of \$83,219 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the Office of Criminal Justice Planning; and **3.** Authorized the expenditure of funds not to exceed \$110,959 to pay for contract counseling services, a portion of a detective's salary and some operating costs related to domestic violence. Submitted by the Police Chief. Funding Source: A 25% City match of \$27,740 is required which has been included in the Police Department's 2004-2005 budget, under the General Investigations-General Fund, Account Number 10070203. The grant account business unit will be established.

**(City Council) Approved and Accepted the Department of Corrections Grant for a Vandalism Accountability Program - Authorized Expenditure of Funds (340.80) – 1.** Accepted the total grant award of \$33,004 from the Board of Corrections for funding cycle 2004-2005 and appropriate funds; and **2.** Established a separate business unit for this funding; and **3.** Authorized the Chief of Police to expend \$33,004 plus any accrued interest on a juvenile vandalism accountability program. Submitted by the Police Chief. Funding Source: A 10% match of \$3,300 is required, which has been included in the 2003-2004 Police Department's budget, under the General Investigations-General Fund, Account Number 10070203.

**(City Council) Approved Special Duty Pay for Public Works Interim Maintenance Operations Administrative Assignment (700.20) –** Authorized special duty pay to Debra Jubinsky, Field Service Representative, of \$2.29 per hour, effective June 5, 2004, and continuing through December 3, 2004. Submitted by Public Works Director and Administrative Services Director. Funding Source: With the vacant Senior Administrative Analyst position, an overall savings of approximately \$36,000 for the six months period will be realized in Refuse Administration, 50485103.51000.

**(City Council) Authorized the Donation of Surplus DNA Lab Equipment to the Orange County Sheriff's Department for Use in the Forensic Crime Lab Analysis Unit (160.40)**

Mayor Green requested that this agenda item be removed from the Consent Calendar to ask the purpose of the donation.

Police Chief Kenneth Small clarified that the City cannot fully fund a DNA lab for analysis, which is done at no cost by the Sheriff's Department, and this recommended action will assist them to continue the fine work they do for the City.

A motion was made by Green, second Sullivan to authorize the donation of approximately twenty pieces of surplus DNA lab Equipment to the Orange County Sheriff's Department for use in their Forensic Crime Lab.

The motion carried by the following roll call vote:

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

**(City Council) Approved City Council Position on Propositions to be Considered by the Voters on the November 2004 Ballot (120.70)**

Communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Councilmember Dave Sullivan and Councilmember Gil Coerper 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 propositions to be considered by the voters on the November 2004 ballot?

**Information Item:** The City Council has previously taken positions on Propositions on the November 2004 Ballot as follows:

**Support Proposition 1A – Protect Local Revenue from State Take Aways**

**Support Proposition 65** – Local Government Funds and Revenues. State Mandates

**Oppose Proposition 68** – Tribal Gaming Compact Renegotiation. Non-Tribal Commercial Gambling Expansion. Non-Tribal Commercial Gambling Expansion Revenues, Tax Exemptions

Mayor Pro Tem Hardy orally reported clarifying the difference between SB2 and Proposition 72.

A motion was made by Coerper, second Hardy to **Oppose Proposition 70** – Giving Indian Tribes Exclusive Gaming Rights. The motion carried by the following roll call vote:

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

A motion was made by Coerper, second Hardy to **Reaffirm Opposition to SB2 by Opposing Proposition 72** – Requiring Employers to provide health care coverage for all their employees. The motion **failed** by the following roll call vote:

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

**(City Council) Presentation of Applications Received in the City Clerk's Office for Appointment to Fill the Vacant Seat on the City Council – Deadline for Application Set by Council at the October 4, 2004 Meeting – Appointed Grace Winchell to Preside at the End of the November 1, 2004 Meeting Prior to Midnight (120.40)**

Communication from Mayor Cathy Green transmitting the following **Statement of Issue**: Attached please find 10 applications from the candidates who wish to be considered in filling the vacant seat on the City Council. The City Clerk has confirmed that all of the attached applications were received prior to 12:00 (Noon) on Wednesday, October 13, 2004. That is the deadline that was set by the City Council at its October 4<sup>th</sup> meeting.

In addition the City Clerk's Office received one application past the deadline, which was included in the agenda packet.

Mayor Pro Tem Hardy thanked the applicants.

A motion was made by Hardy, second Boardman, to appoint Grace Winchell, due to her experience since it is for such a short period.

A substitute motion was made by Sullivan, second Green to appoint Grace Winchell at the end of the meeting on November 1, 2004 before midnight. The substitute motion **failed** by the following roll call vote:

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

Council voted on the main motion, which **failed** by the following roll call vote:

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

A motion was made by Councilmember Coerper to appoint William Kerwin. There was **no action** for lack of a second.

A motion was made by Hardy, second Boardman to appoint Grace Winchell with no specific time to be sworn in clarified. Councilmember Sullivan expressed opposition to the motion on the floor. The motion **failed** by the following roll call vote:

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

Council discussion ensued regarding the appointment and the City Charter.

A motion was made by Coerper, second Cook to appoint Ralph Bauer at the beginning of November 1, 2004 meeting.

A substitute motion was made by Sullivan, second Green to appoint Ralph Bauer at the end of the November 1, 2004 meeting before midnight. The substitute motion **failed** by the following roll call vote:

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

Council voted on the main motion, which **failed** by the following roll call vote:

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

A motion was made by Green, second Coerper to appoint Al Coen at the end of the November 1, 2004 meeting prior to midnight. The motion **failed** by the following roll call vote:

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

A motion was made by Hardy, second Sullivan to appoint Grace Winchell at the end of the November 1, 2004 meeting prior to midnight. The motion carried by the following roll call vote:

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

**(City Council) Councilmember Coerper Congratulated Eagle Scout Timothy DeFresne and Commended Public Works Director Robert F. Beardsley (120.85)**

Councilmember Gil Coerper congratulated Timothy DeFresne on obtaining Eagle Scout and commended Public Works Director Robert F. Beardsley on his staff flow chart.

**(City Council) Mayor Green Thanked the Fire Department and Police Department (120.85)**

Mayor Cathy Green thanked the Fire Department and Police Department for actions above and beyond in assisting her son.

**Adjournment – City Council/Redevelopment Agency**

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 12:15 a.m. to Monday, November 1, 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