

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

Monday, November 1, 2004
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

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

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook (Mayor Pro Tem Jill Hardy requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

Absent: Hardy

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 Steve Gullage of a letter from Maurice A. Priest, Corporate Counsel & Legislative Advocate GSMOL, dated October 29, 2004 titled *Proposed Modifications to Mobilhome Park Conversion Ordinance Chapter 234 are Constitutional; City Council has Legal Right to Include "In-Place Fair Market Value of Home" Displaced by Park Conversion or Closure.*

Communication submitted by John Sisker dated November 1, 2004 titled *In support of updating the Mobile Home Relocation Ordinance to include current market value.*

Communication submitted by Jimmy Hodson dated November 1, 2004 titled *Urgent: Tonight's Mobile Home Park Ordinance 2nd Reading* in opposition to adopting the ordinance.

Communication submitted by David F. Gondek, Lewis Brisbois Bisgaard & Smith LLP dated November 1, 2004 titled *City Council Ordinance No. 3689 (Amendments to Mobilehome Park Conversion Program of Chapter 234 of the City of Huntington Beach Municipal Code).*

(City Council) Study Session Held – Presentation Made by the Public Works Department on Local and Regional Transportation Issues – Related Agencies: OCTA (Orange County Transportation Authority), Caltrans, SCAG, California High Speed Rail Authority and the Coastal Commission (940.50)

Transportation Manager Bob Stachelski presented a PowerPoint report titled *Local and Regional Transportation Issues – Public Works Department Transportation Division*, which was included in the agenda packet.

Mr. Stachelski responded to Council inquiries regarding the City's priorities, locations of transit centers and benches, bikeway planning and safety, grant funding opportunities, the status of the Santa Ana River crossing, and freeway corridor improvement plans.

The City Council reaffirmed opposition to Santa Ana River crossings, the SR-57 extension, and other street extensions. Council asked staff to explore possibilities that would better serve the community regarding location of transit centers, mass transit possibilities on Beach Boulevard, improved bikeways, and support of the 405 corridor plans.

Motion to Recess to Closed Session – Approved

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

AYES: Sullivan, Coerper, Green, Boardman, Cook

NOES: None

ABSENT: Hardy

(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 Southern California Water Company v. City of Huntington Beach, et al [Franchise Agreement Case], Orange County Superior Court Case No. 03CC02021, Appeal Case No. G032709; and Southern California Water Company v. City of Huntington Beach [Eminent Domain Case], Orange County Superior Court Case No. 04CC08141. Subject: **Southern California Water Company v. City of Huntington Beach, et al.** (120.80)

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

(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 Ray Anthony Cruz v. City of Huntington Beach, et al., U. S. District Court Case No. SACV-03-299 DOC. Subject: **Ray Anthony Cruz v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(b)(3)(B) to confer with its city attorney regarding pending litigation. The facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Adoption of Ordinance No. 3689 as Amended Relating to Mobilehome Park Conversion.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(c) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) Number of Potential Cases: 1-200. Subject: **Potential Litigation.** (120.80)

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

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook (Mayor Pro Tem Jill Hardy requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)
Absent: Hardy

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 Robert L. Jabro, Bereavement Chaplain, Heritage Memorial Services

The City Clerk Announced Late Communications

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

Communication submitted by Keith Bohr dated November 1, 2004 titled *Agenda Item D-3 – “Approve Zoning Text Amendment No. 03-02 (Entitlement Streamlining Phase II), Ordinance Nos. 3668A, 3669-3682.”*

Communication submitted by Steve Gullage of a letter from Maurice A. Priest, Corporate Counsel & Legislative Advocate GSMOL, dated October 29, 2004 titled *Proposed Modifications to Mobilhome Park Conversion Ordinance Chapter 234 are Constitutional; City Council has Legal Right to Include “In-Place Fair Market Value of Home” Displaced by Park Conversion or Closure.*

Communication submitted by John Sisker dated November 1, 2004 titled *In support of updating the Mobile Home Relocation Ordinance to include current market value.*

Communication submitted by Jimmy Hodson dated November 1, 2004 titled *Urgent: Tonight's Mobile Home Park Ordinance 2nd Reading* in opposition to adopting the ordinance.

Communication submitted by David F. Gondek, Lewis Brisbois Bisgaard & Smith LLP dated November 1, 2004 titled *City Council Ordinance No. 3689 (Amendments to Mobilehome Park Conversion Program of Chapter 234 of the City of Huntington Beach Municipal Code)*.

Communication submitted by Paula Cosenza, President, Orange County Association of Realtors dated October 26, 2004 titled *Proposed Ordinance No. 3687 Zoning for Affordable Housing* requesting additional time to consider the matter.

Communication submitted by Michael E. Balsamo, Director of Governmental Affairs, Building Industry Association of Southern California (BIA) dated November 1, 2004 and titled *Affordable Housing Ordinance 3687, ZTA 04-04, Subdivision Ordinance Section 230, November 1, 2004* asking for a delay in adoption of this ordinance.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Mike Balsamo, Director of Governmental Affairs, Building Industry Association (BIA) of Southern California dated November 1, 2004 titled *Affordable Housing Ordinance 3687, ZTA 04-04, Subdivision Ordinance Section 230, November 1, 2004* including a report titled *Do Affordable Housing Mandates Work? Evidence From Los Angeles County and Orange County*.

Communication submitted by Steve Gullage, undated and untitled, which is data from a study of cities within a 20-mile radius of Huntington Beach and their mobilehome parks.

Communication submitted by Patricia Petrocco dated October 28, 2004 titled *Yearly Rent Increase Notification – Pacific Mobile Home Park*.

Presentation made by Mayor Cathy Green who presented a commendation to former Huntington Beach Mayor Wes Bannister for his recent election as Chairman of the Metropolitan Water District Board of Directors. The Metropolitan Water District of Southern California is a cooperative of 26 cities and water agencies serving 18 million people in six counties. (160.40)

(City Council) Announcement Made by Mayor Green of Rainbow Disposal's Offer to Accept Political Signs (120.85)

Mayor Cathy Green announced that Rainbow Disposal will accept all political signs at their location at no charge until November 12, 2004.

Public Comments

Jean Nagy, Friends of Shipley Nature Center Board Member, spoke in support of the proposed temporary parking area at the center. Ms. Nagy informed Council that parking is a problem for some volunteers and visitors to the center, stated concerns for the senior visitors, and thanked the nature center volunteers.

Mary Jo Baretich spoke regarding affordable housing and mobile home parks, stating her opinion that the City should recognize the parks as affordable housing. Ms. Baretich spoke of recent rent increases and cited state health and safety codes relevant to affordable housing.

Mike Balsamo, Director of Governmental Affairs, Building Industry Association (BIA) of Southern California requested Council delay adoption of the proposed affordable housing ordinance and asserted his opinion that the free market should establish the cost of housing. Mr. Balsamo spoke further regarding in lieu fees and the 60-year requirement as being excessive in his opinion.

Councilmember Cook addressed the previous speaker, asking him to make an appointment to meet with Council individually.

Patricia Petrocco thanked the City Council for its efforts with the proposed mobile home park conversion ordinance and urged Council to adopt Ordinance No. 3689. Ms. Petrocco distributed a Late Communication, a copy of a notice of rent increase she recently received, and referred to comments made by the Mayor.

Mayor Green addressed the speaker to clarify comments she had previously made.

Dave Stefanides, Governmental Affairs Director, Orange County Association of Realtors, requested that the City Council postpone the proposed affordable housing ordinance to a later date in order for his associates and members to have time to review it. Mr. Stefanides spoke regarding money his association has raised for the Housing Affordability Fund, and alleged lack of adequate notice.

Elmer Smith spoke regarding his mobile home park, rent increases, and lease terms. Mr. Smith endorsed Debbie Cook, Steve Ray, and Joey Racano as candidates for City Council.

Vickie Talley, Executive Director, Manufactured Home Educational Trust (MHET), urged Council not to adopt Ordinance No. 3689, stating her opinion that the ordinance is legally flawed. Ms. Talley alleged a lack of opportunity to participate in formation of the ordinance, and informed Council that if this ordinance were adopted legal action would be initiated.

Steve Gullage thanked Council for reviewing the mobile home park issue and referred to a Late Communication regarding a legal opinion in support of this ordinance. Mr. Gullage further addressed another Late Communication, distributed during the meeting, which is a study of mobile home parks within a 20-mile radius of Huntington Beach.

Jim Hodson, speaking on behalf of Pacific Mobile Home Park, informed Council of the reasons for a recent rent increase. Mr. Hodson urged Council not to adopt the proposed mobile home park conversion ordinance stating that it is a constitutional property rights issue.

Dick Harlow, representing the Chamber of Commerce, spoke regarding proposed streamlining ordinances and urged Council to approve the recommendations from the Planning Commission.

Tom Livengood, on behalf of the Shipley Nature Center, spoke in support of a temporary parking lot stating his opinion that it would be a tremendous help for school children and the handicapped.

Norm "Firecracker" Westwell, candidate for City Council, spoke in favor of smaller government and in opposition to what he referred to as "soft money" contributions made to Council candidates in this election. Mr. Westwell informed Council that he has accepted no monetary contributions for his campaign.

Peter Albini, candidate for City Council, spoke relative to a Consent Calendar item, referring to the importance of accepting responsible bids. Mr. Albini thanked the other fifteen candidates for City Council and encouraged all viewers to vote in the November 2, 2004 election.

Tim Geddes spoke in opposition to some of the political literature that was distributed during this election campaign and welcomed Grace Winchell to the City Council.

Councilmember Sullivan addressed the previous speaker stating his opinion on the literature.

Topper Horach spoke regarding non-partisan elections and gave a PowerPoint report addressing political literature. Mr. Horach encouraged everyone to vote.

Don McGee thanked Councilmember Connie Boardman for her service to the community and spoke about various other non-agendized topics.

John Earl, candidate for City Council, spoke regarding the possible impact of slate mailers and special interest contributions. Mr. Earl gave his email address john4council@hotmail.com.

Anna Schaber spoke regarding the elections and access to public information.

Joey Racano, candidate for City Council, stated his opinion regarding "soft money" contributions made to council candidates in this election and asked for citizens' vote.

Steve Ray, candidate for City Council, spoke regarding the proposed Streamlining ordinances, thanked Councilmember Coerper for his efforts regarding the Shipley Nature Center parking, and urged everyone to vote in the November 2004 election.

Van Champion informed Council of his wife's car being vandalized, stating his opinion that a potential factor was a political sign that was in the back of her car.

A motion was made by Sullivan, second Coerper to move forward the appointment of Councilmember Grace Winchell. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Boardman, Cook

NOES: Green

ABSENT: Hardy

(City Council) City Clerk Joan L. Flynn Administered Oath of Office to Newly Appointed Councilmember Grace Winchell (120.40)

City Clerk Flynn administered the Oath of Office to newly appointed Councilmember Grace Winchell selected by the City Council at the October 18, 2004 Council meeting. Councilmember Grace Winchell took her seat at the dais.

(City Council) Announcement Made by Councilmember Dave Sullivan of Individual Appointment of Mary-Ellen Cianciabella to the Fourth of July Board Effective December 6, 2004 (110.20)

The City Council considered communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue**: I am pleased to announce that I am appointing Mary-Ellen Cianciabella to the 4th of July Board, effective December 6, 2004.

Mary-Ellen has served on the Board for the past two years as Parade Chair. She brings a wide range of personal and professional experience to her position, along with the necessary skills and commitment required to present this important celebration to the community.

A motion was made by Sullivan, second Boardman to appoint Ms. Cianciabella to the Fourth of July Board effective December 6, 2004. The motion carried by the following roll call vote:

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

(City Administrator's Report) Presentation Made by City Administrator Penelope Culbreth-Graft on the Status of Orientation Activities for the City (160.10)

Dr. Penelope Culbreth Graft presented a PowerPoint report titled *City Administrator's Status Report of Orientation Activities – November 1, 2004*, which was included in the agenda packet.

The report highlighted the following: Who the City Administrator has met with; City and community functions attended; Speaking engagements; Internal relationship building; Where the City Administrator has gone and what she has learned; What has been accomplished; and the City Administrator's Goals.

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

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for September 2004.

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

Ms. Freidenrich thanked the Board and Councilmember Connie Boardman for their service.

A motion was made by Coerper, second Sullivan to review and accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for September 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, Green, Boardman, Cook, Winchell
NOES: None
ABSENT: Hardy

The following is a public hearing opened and continued at the 10/18/04 meeting. The public testimony section of this hearing had been closed. A notice was posted by the City Clerk's Office pursuant to the Brown Act, notifying the public that the item is being continued to this meeting (the number remains as D-3).

(City Council) Public Hearing Held - Opened (and Closed for Public Testimony) on 10/18/04 with Item Continued to 11/1/04. Approved Zoning Text Amendment No. 03-02 as Amended (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 – Approved Introduction Ordinance Nos. 3668A or B and 3669 through 3682, Inclusive as Amended by Straw Votes on Various Sections (450.20)

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.

Mayor Cathy Green addressed the City Attorney, asking if the newly seated Councilmember, Grace Winchell should vote on this item. City Attorney Jennifer McGrath responded in the affirmative.

Councilmember Winchell stated for the record that she had viewed the prior Council meeting pertaining to this hearing at her home.

The City Council decided to continue with straw votes on the following items of concern from pages D-3.9 and pages D-3.561 and D-3.562 of the staff report:

A straw motion was made by Sullivan, second Coerper to keep the review of #128 (Readers Boards require PC approval) at the Planning Commission Level. The **straw motion** was subsequently **withdrawn**.

A straw motion was made by Boardman, second Sullivan to keep the review of all liquor stores other than those in hotels and Pacific City on pages D-3.561 & D-3.562 (Downtown Specific Plan SP5) at the current Planning Commission Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Sullivan to keep the review of #31, page D-3.562 (Downtown Specific Plan SP5, District 7, Taverns) at the current Planning Commission Level. The straw motion was subsequently **withdrawn**.

A straw motion was made by Sullivan, second Cook to keep the review of #39, page D-3.562 (Downtown Specific Plan SP5, District 10, Commercial use or public recreation facilities (beach-related) at the current Planning Commission Level. The **straw motion** carried by the following roll call vote:

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

A straw motion was made by Cook, second Boardman to require commercial and industrial areas to have one bicycle space for every 25 car spaces, no less than three bicycle spaces; for centers over 50,000 square feet the amount of bicycle spaces to be at the Planning Director's discretion; and the bicycle spaces should be conveniently located to be available for patrons as well as employees. The **straw motion** carried by the following roll call vote:

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

Council discussion ensued relative to notification of the appeal process and changes of conditions for permit applicants.

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

Communication submitted by Keith Bohr dated November 1, 2004 titled *Agenda Item D-3 – “Approve Zoning Text Amendment No. 03-02 (Entitlement Streamlining Phase II), Ordinance Nos. 3668A, 3669-3682.”*

A motion was made by Sullivan, second Coerper to approve Zoning Text Amendment No. 03-02 with findings for approval (**Attachment No. 1 at the end of this item**)* and after City Clerk Flynn read by title, approve for introduction the following ordinances, some of which were **amended by Straw Vote Council Action:**

Planning Commission Recommendation Ordinance No. 3668A and Staff Recommendation Ordinance No. 3668B – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHAPTER 203 - DEFINITIONS AND CHAPTER 241 - CONDITIONAL USE PERMITS;” and

Ordinance No. 3669 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED USE CLASSIFICATIONS;” and

Ordinance No. 3670 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED RESIDENTIAL DISTRICTS;” and

Ordinance No. 3671 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED COMMERCIAL DISTRICTS;” and

Ordinance No. 3672 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED INDUSTRIAL DISTRICTS;” **and**

Ordinance No. 3673 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED PS PUBLIC-SEMIPUBLIC DISTRICTS;” **and**

Ordinance No. 3674 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 220 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OIL PRODUCTION OVERLAY DISTRICT;” **and**

Ordinance No. 3675 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 222 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED FP FLOODPLAIN OVERLAY DISTRICT;” **and**

Ordinance No. 3676– “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SITE STANDARDS;” **and**

Ordinance No. 3677 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED OFF-STREET PARKING AND LOADING PROVISIONS;” **and**

Ordinance No. 3678 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 233 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED SIGNS;” **and**

Ordinance No. 3679 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED NONCONFORMING USES AND STRUCTURES;” **and**

Ordinance No. 3680 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 244 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED DESIGN REVIEW;” **and**

Ordinance No. 3681 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 250 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE ENTITLED GENERAL PROVISIONS;” **and**

Ordinance No. 3682 – “AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN OF THE CITY OF HUNTINGTON BEACH”.

The motion carried by the following roll call vote:

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

NOES: None

ABSENT: Hardy

Attachment No. 1***SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 03-02:**

1. Zoning Text Amendment No. 03-02 to amend certain sections of the Zoning and Subdivision Ordinance and the Downtown Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan because the amendments streamline entitlement processing for certain uses thereby furthering the City's development goals.
3. 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 revises processing of entitlements and clarifies permitted uses within the zoning classifications.
4. A business community need is demonstrated for the change. The need for reduced processing time is desired by the business community and supported by the Chamber of Commerce.
5. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by codifying existing policies and creating a zoning and subdivision ordinance more reflective of City priorities.

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) Memorandum of Understanding between the City and the Friends of the Shipley Nature Center (FSNC) for the Operation of Shipley Nature Center

Consent Calendar – Items Approved

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

AYES: Sullivan, Coerper, Green, Boardman, Cook (abstained from the September 20, 2004 minutes), Winchell (abstained from September 20, October 4, October 15, 2004 minutes)

NOES: None

ABSENT: Hardy

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of September 20, 2004 and October 4, 2004, and City Council Adjourned Regular Meeting of October 15, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Received and Filed City Clerk's Passport Acceptance Facility Report from April 2004 through September 2004 (100.30) – Received, reviewed and filed the Passport Acceptance Facility Report showing **net profit of \$52,528.43** for the period of **April 1, 2004 to September 30, 2004**, as prepared and submitted by the Office of the City Clerk. Submitted by the City Clerk. Funding Source: Not applicable. (The **total net profit** since the Passport Facility was established by Council in February 2000 is **\$216,057.17.**)

(City Council) Adopted Resolution No. 2004-86 Regarding Classification Plan Amendment – Modifications to 16 Various Positions in the Public Works and Police Departments (700.10) – Adopted **Resolution No. 2004-86** – “A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying the Class Specifications for Various Positions in the Public Works Department and the Police Departments.” Submitted by the Administrative Services Director. Funding Source: There is no fiscal impact to this action.

(City Council) Adopted Resolution No. 2004-87 Approving Application for Grant Funds Under the Environmental Enhancement and Mitigation (EEM) Program (340.80) – Adopted **Resolution No. 2004-87** – “A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for the Environmental Enhancement and Mitigation Program under Section 164.56 of the Streets and Highways Code for the Following Projects: Main Street Median Landscape Project – Brookhurst Street Frontage Median Landscape Project.” Submitted by the Public Works Director. Funding Source: Funding is not required for the resolution. Grant application value is \$480,000.00. Should the projects be awarded, Measure M funds of approximately \$250,000.00 are available and will be required to complete both projects. An incremental increase in General Fund annual maintenance costs would be required to maintain these enhancements.

(City Council) Accepted Bid and Awarded Construction Contract for the Central Park and the Warner & Nichols Storm Water Treatment Project; CC-1257 (600.75) –
1. Accepted the lowest responsive and responsible bid submitted by Southern California Underground Contractors, Inc. in the amount of \$564,675 for the Central Park and Warner and Nichols Storm Water Treatment Project, CC-1257; and 2. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds are budgeted in Account No. 89288003.82500, Proposition 13 2000 Water Bond Act Grant. The engineer’s cost estimate for construction is \$617,000.00.

(City Council) Approved Amendment No. 1 to the Employment Contract with Police Chief Kenneth Small for a Secured Loan (600.10) – Approved *Amendment No. 1 to Employment Agreement between the City of Huntington Beach and Kenneth Small*. Submitted by the City Administrator. Funding Source: General Fund unappropriated undesignated fund balance.

(City Council) Approved Memorandum of Understanding between the City and the Friends of the Shipley Nature Center (FSNC) for the Operation of Shipley Nature Center (920.60)

The City Council considered communication from the Community Services Director transmitting the following **Statement of Issue**: The Friends of Shipley Nature Center (FSNC) have been working to re-open the Shipley Nature Center and complete the renovation. City staff has drafted a Memorandum of Understanding (MOU) between the city and FSNC for the operation of the center; including completion of the renovation based on the City Council approved Master Plan. There is a need to approve the MOU. **Funding Source**: N/A. FSNC is seeking funding for improvements identified in the Master Plan.

Councilmember Cook requested that this agenda item be removed from the Consent Calendar to inquire about equipment procurement and other contract specifications. Public Works Deputy Director Paul Emery and City Attorney Jennifer McGrath responded to these inquiries.

A motion was made by Cook, second Sullivan to approve the *Memorandum of Understanding between the City of Huntington Beach and Friends of the Shipley Nature Center* and authorize the Mayor and City Clerk to sign the Memorandum of Understanding. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3688 Amending the Huntington Beach Municipal Code by Adding Chapter 14.56 Relating to the Control and Regulation of Fats, Oils and Grease (FOG) Discharged by Food Service Establishments into the Sewer System (1020.60)

After City Clerk Flynn read by title, a motion was made by Sullivan, second Coerper to adopt **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.”* (Approved for introduction as amended at the 10/18/04 Public Hearing.) The motion carried by the following roll call vote:

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

(City Council) Continued to November 8, 2004 Meeting - Ordinance No. 3689 Amending Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance Pertaining to Mobilehome Park Conversions (450.20)

A motion was made by Sullivan, second Coerper to continue this item to the Adjourned Regular Meeting of November 8, 2004 at 6:00 p.m. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3687 Amending the Huntington Beach Zoning and Subdivision Ordinance by Adding New Section 230.26 on Affordable Housing (450.20)

A motion was made by Coerper, second Green to pull this item from the agenda for 30 days.

Councilmember Boardman stated her opposition to delaying the item. Councilmember Cook concurred.

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

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

After City Clerk Flynn read by title, a motion was made by Boardman, second Cook to adopt **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." (Approved for introduction as amended at the 10/18/04 Public Hearing.)*
The motion carried by the following roll call vote:

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

(City Council) Directed Staff to Review Possibility and to Take to the Community Services Commission, the Issue of Creating a Temporary Parking Lot to Accommodate Vehicles on West Side of Huntington Central Park, South of the Shipley Nature Center for Nature Center Patrons and Park Users (920.60)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue:** On September 18, 2004 the Friends of Shipley Nature Center held a grand opening of the Shipley Nature Center. Even though there is still more work to do at the center, the group has done a great job of renovating it to a point where it can again be available to the general public, especially for tours by elementary school students. One of the drawbacks to the nature center has always been the lack of readily accessible parking. The existing parking lots are located a considerable distance from the nature center. Also, due to the popularity of the entire park, periodically there is a shortage of parking available to the public.

Immediately south of the nature center is a 16-acre undeveloped area. City Council approved a master plan for this site that included parking for the public including bus parking. There is an existing curb cut on Goldenwest just north of the GW/Talbert intersection that could provide access to this temporary parking lot. Though ingress and egress would be limited to "right in/right out" only, it would still provide much needed additional parking for the nature center and the park. I have met with Public Works and Community Services staff, who have indicated that creating a temporary parking lot may be feasible with additional study. I would request that staff do the required evaluation, including a cost analysis to create the temporary parking lot, and take the issue to the Community Services Commission for a recommendation.

Councilmembers Cook and Sullivan stated concerns regarding the expense involved.

Councilmember Coerper clarified that his suggestion is to conduct a study before taking action.

A motion was made by Coerper, second Green to direct staff to review the possibility of creating a temporary parking lot to accommodate approximately 50 vehicles on a portion of the undeveloped, 16-acres on the west side of Huntington Central Park south of the Shipley Nature Center for nature center patrons and park users. This parking lot would be accessible to school buses. Additionally, direct Community Services staff to take this issue to the Community Services Commission for recommendation. The motion carried by the following roll call vote:

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

(City Council) Councilmember Coerper Recognized SAVE Task Force Magazine *H.B. Cares*, Thanked Clay Martin for Department Flowchart, Attended Promotion of Marines, Ocean View School Western Growers Program (120.85)

Councilmember Gil Coerper recognized the Substance Abuse and Violence (SAVE) Task Force for publishing their magazine *H.B. Cares* and thanked Director of Administrative Services Clay Martin for his department flowchart. Councilmember Coerper spoke further regarding the Vanguard Group, the promotion of 800 marines, and the Western Growers Program at Ocean View School.

(City Council) Councilmember Sullivan Welcomed Grace Winchell (120.85)

Councilmember Dave Sullivan welcomed Councilmember Grace Winchell and thanked her for her service.

(City Council) Councilmember Cook Gave Recognition to the Inaugural Class of the Kennedy School of Government (120.85)

Councilmember Debbie Cook recognized the inaugural class of the Kennedy School of Government.

(City Council) Councilmember Boardman Welcomed Grace Winchell, Reminded Citizens to Vote (120.85)

Councilmember Connie Boardman welcomed Councilmember Grace Winchell and reminded citizens to vote in the November 2, 2004 election.

(City Council) Mayor Green Welcomed Grace Winchell, Announced George Brell's 100th Birthday (120.85)

Mayor Cathy Green welcomed Councilmember Grace Winchell and announced the 100th birthday of Mr. George Broell, Dave Sullivan's father-in-law.

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:55 p.m. to Monday, November 8, 2004 for an Adjourned Regular Meeting of the City Council in Closed Session regarding Labor Negotiations at 5:00 p.m., on the Lower Level, (Room B-8 for Public Comments), and at 6:00 p.m. for Open Session on Mobile Home Park Conversion Ordinance - 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