

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call:

Office of the City Clerk (714) 536-5227.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227.**

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION AGENDA
CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY JANUARY 3, 2005

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

4:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present (Green arrived 4:05 p.m. and Bohr arrived 4:06 p.m.)

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

None

Public Comments Regarding 4:00 P.M. Portion of Council Meeting (See Next Page for Study Session and Closed Session Agenda Items)

None

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT
AGENCY AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**
<http://www.surfcity-hb.org>

(City Council/Redevelopment Agency) Study Session – Work Program and Accomplishments of the Huntington Beach Conference and Visitors Bureau (140.70)

Doug Traub, President of the Huntington Beach Conference and Visitors Bureau (HBCVB) will provide an update of the HBCVB Work Program for 2005.

**An untitled PowerPoint report is included in the agenda packet.

Dale Dunn, Vice Chairman of the HBCVB, gave a PowerPoint presentation covering the Bureau's early history and recent history, including accomplishments in the past 3 years. Mr. Dunn introduced Cormac O'Modhrain, Chairman of the Bureau, who resumed the presentation by speaking regarding Bureau staff, administration, Visitor Center statistics, advertising campaigns, website and marketing initiatives, and how funds are invested. The President of the Bureau, Doug Traub, completed the presentation by speaking about visions for the future. Mr. Traub suggested a long-term funding contract between the City and the Bureau.

Council inquiries ensued regarding past funding, transient occupancy tax, the hotel/motel business improvement district, marketing opportunities, where additional funds would be spent, return on investments, and repeat visitors to the City. Bureau committee members and Economic Development Director David Biggs replied to all inquiries.

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:
7 - 0

(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.** (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 and 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 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Dan Villella, Finance Officer; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members.

On each Agenda these Agencies may have items scheduled.

When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

6:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)). Settlement with Southern California Water Company (Item 1 – Closed Session Item)**

Roll Call Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Present

Pledge of Allegiance/Flag Salute – To be led by local Cub Scout Troop.
Led by Mayor

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

Invocation – To be determined by Mayor.
Reverend Peggy Price, President, Greater Huntington Beach Interfaith Council

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda (1) The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. (2) Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's office following distribution of the agenda packet.)
G-2a (10 items)

B. PUBLIC COMMENTS

This is the time of the meeting for the Council to receive comments from the public regarding **items of interest or agenda items OTHER than Public Hearings.**

Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council. Councilmembers strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

**3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.**

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium.

PUBLIC COMMENTS:

Speaker spoke regarding staking out time change for 4th of July parade, requesting Council to consider moving time to 9:00 p.m. instead of 9:00 a.m.

Speaker in opposition to proposed zoning text amendments (through lots) on the agenda, for reasons that restrictions would cause undue burden to homeowners.

Speaker presented PowerPoint, inquiring what the requirements are for approval of a proposed wall. Speaker distributed communication to the City Clerk for the record.

Speaker informed Council that there are flood problems in the high school parking lot in his neighborhood, causing cracking in the foundation of his property.

Speaker, resident of Gilbert Island, spoke in opposition to Zoning Text Amendment 03-01. Speaker stated through lot and waterfront homeowners also support his position, urging a "no" vote on the proposed item.

Speakers in opposition to Zoning Text Amendment 03-01 for reasons that they restrict property rights or violate them.

Speaker offered recommendations to Zoning Text Amendment 03-01 due to safety concerns, as well as suggestions on appeal procedures. Speaker also requested notification to property owners.

Speaker, involved in seismic design equipment informed Council of international building codes which he stated will affect the proposed retaining walls.

Speaker urged Council to approve staff recommendations regarding Zoning Text Amendment 03-01.

Speaker in opposition to Zoning Text Amendment 03-01 for reasons primarily due to concerns of erosion. He also expressed concern for budgetary reasons.

Speaker reiterated opposition to Zoning Text Amendment 03-01 for safety reasons, the violation of property rights and the definition of double-fronted lots.

Speaker alleged impropriety (conflict of interest) relative to the proposed Zoning Text Amendment 03-01 (Councilmember Cook responded to the allegation, rebutting the conflict of interest issue and encouraging residents to contact the Fair Political Practices Commission (FPPC) if they suspect impropriety by any elected officials.)

Speaker informed Council that some walls are eyesores while others enhance the landscaping, and she stated small interest groups have caused the resultant proposal.

Speaker, former Seal Beach and Huntington Beach Mayor suggested the planting of ivy relative to Zoning Text Amendment 03-01. Speaker commended the Planning Department, and expressed concern that there should be less legislation, speaking in opposition to Zoning Text Amendment 03-01.

Speaker, purchaser of the True residence, spoke on the purchase of his property and of meeting with City staff. Speaker requested denial of the proposed item.

Speaker, representing the Planning Commission (PC) congratulated the newly elected Councilmembers appointees: Fuhrman, Burnett and Dwyer. Speaker invited attendance of all interested citizenry at next Planning Commission workshop, Tuesday, January 11, 2005 at 6:00 p.m., Council Chambers.

Speaker inquired as to why a compromise cannot be made regarding Zoning Text Amendment 03-01 as to the type of wall to be constructed. Speaker also addressed what he finds to be the lack of discussion on erosion relative to the matter. Speaker also commented on “spite fences.”

Speaker opposed Zoning Text Amendment 03-01 due to violations of privacy, as well as property rights. Speaker also voiced a complaint of alleged inaccessibility to the Huntington Harbour Property Owners’ Association (HHPOA).

Speaker, Westport Drive resident, informed Council of expenses incurred in the renovation of her property. Speaker cited government code website regarding property rights.

Motion to move G-2a forward.

Approved 7 – 0

G-2a. (City Council) Approve Zoning Text Amendment No. 03-01 with Findings for Approval - Approve for Introduction as Amended Ordinance No. 3692 Amending Chapters 203 and 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Definitions, and Fencing and Yards - Continued from the December 20, 2004 Meeting (450.20) – Ordinance No. 3692 - “An Ordinance of the City of Huntington Beach Amending Huntington Beach Zoning and Subdivision Ordinance by Amending Sections 203.06 and 230.88 Thereof Relating to Definitions, and Fencing and Yards.”

Recommended Action: 1) Approve Zoning Text Amendment No. 03-01 with Findings for Approval; and 2) After the City Clerk reads by title, approve for introduction **Ordinance No. 3692**, by roll call vote.

Communication submitted by Tom Scott is included in the agenda packet.

Councilmember Dave Sullivan recused himself due to a possible conflict of interest.

Councilmember Debbie Cook reported orally, speaking of property rights issues, zoning, the abilities of cities to enforce restrictions, and whether the issue is really about the “fill” or the walls.

Councilmember Gil Coerper and Don Hansen expressed opposition to approval of the item due to property rights and the differences in geography of the through lot properties.

Councilmember Keith Bohr also stated opposition, after having visited several properties in question and discussing the compromise with various parties.

Councilmember Cathy Green made the Motion to deny Zoning Text Amendment 03-01. She stated she had toured through lot locations and does not find the proposed ZTA to be logical because there is not one solution.

Councilmember Cook expressed the concern that the CC&Rs have not been enforced. She stated opposition to the walls, and the compromise solution.

Mayor Jill Hardy cautioned that ugly walls could still be built, and stated that she would have wanted to see a compromise. She stated that she would vote against denial in order to make a statement, while she expects the item will fail.

Motion amended to add denial of Ordinance No. 3692.

Approved denial.

4 – 2 – 1 (Hardy, Cook No, Sullivan Abstain)

C-1. Council Committee/Council Liaison Reports

C-1a. (City Council) Announcement by Councilmember Debbie Cook of the Individual Appointment of (1) Randy Fuhrman to the Planning Commission; and the ReAppointment of (1) Tim Geddes to the Finance Board; (2) Carole Ann Wall to the Fourth of July Board; (3) Joe Foye to the Investment Advisory Board; and (4) George Mason to the Public Works Commission. (110.20)

C-1b. (City Council) Announcement by Councilmember Keith Bohr of Individual Appointments of (1) Debbie Stock to the Fourth of July Board; (2) Brian Olson to the Investment Advisory Board; (3) Elizabeth Burnett to the Planning Commission; and (4) Pat Spencer to the Public Works Commission. The appointment for Finance Board will be announced at the January 18, 2005 Council Meeting. (110.20)

C-1c. (City Council) Announcement by Councilmember Don Hansen of Individual Appointments of (1) Devin Dwyer to the Planning Commission; and (2) Michael Siersema to the Public Works Commission. (110.20)

C-1d. (City Council) Announcement by Councilmember Gil Coerper of the Individual Appointment of Florence Rini to the Fourth of July Board. (110.20)

C-1e. (City Council) Announcement by Mayor Pro Tem Dave Sullivan of the Individual Appointment of Monica Hamilton to the Investment Advisory Board. (110.20)

Announcements made.

C-2. City Administrator's Report

Dr. Penelope Culbreth-Graft announced bringing an item regarding RV Parking to Tuesday, February 22, 2005 meeting.

C-3. City Treasurer's Report - None

D. Public Hearings - None

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

E-1. (City Council/Redevelopment Agency) Minutes (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Adjourned Special Meeting of November 29, 2004, the City Council/Redevelopment Agency Regular Meeting of December 6, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

Approved 7 – 0 (Green, Hansen, Bohr abstain minutes of November 29, 2004).

E-2. (City Council) Adopt Resolution No. 2005-1 which Amends Resolution No. 2004-21 by allowing the use of Styrofoam for the City's Senior Nutrition Program. (520.15) – Adopt Resolution No. 2005-1 – *A Resolution of the City Council of the City of Huntington Beach, California, Prohibiting the use of Expandable Polystyrene (Commonly Referred to By the Trade Name "Styrofoam") Food Service Products Within City Facilities and at City-Sponsored Events.* Submitted by the Community Services Director. Funding Source: Not Applicable.

Adopted 7 – 0

E-3. (City Council) Adopt Resolution No. 2005-2 for Summary Vacation of Excess Right-of-Way, A Public Service Easement (Lot A, Adjacent to Lot 58 of Tract 4243 – commonly known as 5842 Trophy Drive). (800.50) – Adopt Resolution No. 2005-2 – *A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Public Service Easement Identified as Lot A, Adjacent Lot 58 of Tract 4243 (Commonly Known as 5842 Trophy Drive).* Submitted by Director of Economic Development and Director of Public Works. Funding Source: Not Applicable.

Adopted 7 – 0

E-4. (City Council) Four Offers to Dedicate (OTDs) Public Access Easements Submitted by the Coastal Conservancy (1.) 15922 Pacific Coast Highway – Simple Green Building (2.) Countess Drive (Portofino Development) (3.) 16212, 16222, 16242 & 16246 Pacific Coast Highway (4.) 4212 Warner Avenue (Huntington Harbour Bay Club). (650.80) – Submitted by Director of Planning, Director of Public Works, Director of Economic Development and Risk Manager. Funding Source: Not Applicable.

Approved 7 – 0

E-5. (City Council) Adopt Resolution No. 2005-3 Approving Street Name Change from Alcala Drive to Veleta Drive, Tract 9580, Grid 462. (800.70) – Adopt Resolution No. 2005-3 – *“A Resolution of the City Council of the City of Huntington Beach Providing for the Change of the Street Name of Alcala Drive to Veleta Drive.”* Submitted by the Chief of Police. Funding Source: Any costs associated with changing the street sign can be absorbed in the existing fiscal year 2004-2005 Police Department budget. The identified cost is related to changing the one street sign and is estimated to be \$26.00.

Adopted 7 - 0

F. Administrative Items - None

G. Ordinances

G-1. Ordinance for Adoption

G-1a. (City Council) Adopt Ordinance No. 3693 Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits (580.60) - Ordinance No. 3693 – *“An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.”* (Approved for introduction at the December 20, 2004 Council Meeting.)

Recommended Action: After the City Clerk ready by title, adopt **Ordinance No. 3693**, by roll call vote.

Adopted 7 – 0

G-1b. (City Council) Adopt Ordinance No. 3694 Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments (570.10) - Ordinance No. 3694 – *“An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments.”* (Approved for introduction at the December 20, 2004 Council Meeting.)

Recommended Action: After the City Clerk reads by title, adopt **Ordinance No. 3694**, by roll call vote.

Adopted 7 – 0

G-2. Ordinances for Introduction

G-2a Moved forward following Public Comments

H. City Council/Redevelopment Agency Items - None

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Tuesday, January 18, 2005, at 3:30 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office, on the City's Website, Via Email, and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Branches on Friday Prior to Meetings. Videotapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

JOAN L. FLYNN, CITY CLERK
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Huntington Beach, California 92648

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