



ACTION AGENDA

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 25, 2005
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

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ROLL CALL: *Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Fuhrman*
Commissioner Burnett arrived at 5:20 p.m.

AGENDA APPROVAL

MODIFIED BY ADDING SECTION D) PLANNING COMMISSION ITEMS:
APPROVED, 6-0-1 (BURNETT-NOT PRESENT)

A. STUDY SESSION ITEMS

A-1. GENERAL PLAN AMENDMENT NO. 03-02, LOCAL COASTAL PROGRAM AMENDMENT NO. 03-02, ZONING TEXT AMENDMENT NO. 03-03 (DOWNTOWN SPECIFIC PLAN - TIMESHARES) – Rosemary Medel

STAFF PRESENTATION – NO ACTION TAKEN

A-2. CONFLICTS OF INTEREST – Leonie Mulvihill

STAFF PRESENTATION – NO ACTION TAKEN

B. PLANNING COMMISSION COMMITTEE REPORTS

B-1. ANNOUNCEMENT OF PLANNING COMMISSION ADVISORY BODY ASSIGNMENTS – Steve Ray

CHAIR RAY ANNOUNCED THE COMMITTEE ASSIGNMENTS

C. PUBLIC COMMENTS – Regarding Study Session portion of Meeting – *NONE.*

D. PLANNING COMMISSION COMMENTS

Commissioner Livengood – requested that staff provide a timeline of activity for the proposed Home Depot project at the former K-Mart site located at the southwest corner of Garfield Avenue and Magnolia Street.

Commissioner Dingwall questioned what Home Depot is proposing. Staff replied that the Home Depot plans to demolish the K-Mart buildings and construct a new home improvement warehouse facility.

Commissioner Fuhrman – asked if staff could schedule an additional meeting among staff and the new Commissioners to discuss their rules and the process for the various entitlements. Staff responded that they would contact the new Commissioners.

Commissioner Dingwall asked why the Commission had not been informed of the Home Depot application. Staff explained that the Zoning Administrator would hear the proposed entitlements for the Home Depot project.

Commissioner Fuhrman questioned staff about the tentative Planning Commission schedule and some of the pending items.

Discussion ensued about the items scheduled for discussion at the February 8 study session.

Commissioner Dwyer – None.

Commissioner Ray – requested that discussion on the Brown Act remain on the February 8 study session agenda, and that the Commission refrain from corresponding with one another via email, referencing a memorandum from the City Attorney discussing the topic of possible conflicts of interest and email

Commissioner Livengood informed the Commission that the League of California Cities publishes educational information on Brown Act violations related to email.

Staff informed the Commission of the items scheduled for public hearing on March 8, and that the regular meeting of February 22 is scheduled to be canceled due to a lack of items.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY BURNETT, TO START THE FEBRUARY 8, 2005 STUDY SESSION AT 4:30 P.M., 6-1-0 (FUHRMAN-NO)

Commissioner Dingwall – asked for the status of a request to Commission Counsel for a legal opinion on the effects Proposition 59 will have on the City. Commission Counsel stated that the opinion would be provided on February 8.

Commissioner Dingwall also asked for the status of a request made to staff to provide the official title and version of Robert's Rules of Order used by the City Attorney. Commission Counsel referred to the Planning Commission By Laws, and advised that the correct information was provided to Planning staff and will be forwarded accordingly.

Commissioner Dingwall voiced concerns about suspect Brown Act material available to the public on various websites. He requested that the City educate the public and that the Attorney General is the final authority on the Brown Act and provides official documentation online.

Commissioner Burnett – asked if study sessions are open to the public. Staff confirmed. She also asked about the number of Commissioner’s who received correspondence from Shirley Doo regarding entitlement fees related to construction activity at her Huntington Beach residence. Staff informed the Commission that Ms. Doo recently met with Mayor Hardy, Councilmember Bohr and Planning staff to address her issues regarding the construction of a fence on her property.

Commissioner Fuhrman voiced concerns about the possibilities of violating the Brown Act when communicating among other Commissioners, requesting that Commission Counsel provide clarification on what constitutes a violation. Commission Counsel explained that deliberations among Commissioners should be held in a public forum, and that email communications create a potential to share opinions on City business without involving the public.

Commissioner Scandura – none.

ADJOURNMENT: Adjourned at 7:45 p.m. to the next regularly scheduled meeting of Tuesday, February 8, 2005, at 4:30 p.m. in Room B-8, Huntington Beach Civic Center.