

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

Monday, June 1, 2009  
4:00 PM - Room B-8  
6:00 PM - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

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

4:30 PM - ROOM B-8

The Deputy City Clerk recessed the 4:00 P.M. portion of the meeting to 4:30 P.M. due to an anticipated lack of quorum.

**CALL TO ORDER**

Mayor Bohr called the Study Session portion of the regular City Council/Redevelopment Agency meeting to order at 4:32 PM, and announced that pursuant to Resolution No. 2001-54, Mayor Pro Tem Green requested to be absent from tonight's meeting.

The City Council granted permission for the absence of Mayor Pro Tem Green pursuant to Resolution No. 2001-54.

**ROLL CALL**

Present: Carchio, Dwyer, Bohr, Coerper, Hardy, and Hansen  
Absent: Green

**ANNOUNCEMENT OF LATE COMMUNICATION**

Pursuant to the Brown "Open Meetings" Act, City Clerk Joan Flynn announced that the following late communications were received by her office following distribution of the agenda packet:

Study Session #1: PowerPoint communication submitted by Stanley Smalewitz, Director of Economic Development, dated June 1, 2009, entitled Joint Study Session, City Council, Community Development Block Grant.

Study Session #2: PowerPoint communication submitted by Bob Wingenroth, Director of Finance, dated June 1, 2009, entitled Cost Recovery Study and Fee Schedule Update and proposed fee changes for 10 departments. (Distributed to City Councilmembers on Friday, May 29th)

PUBLIC COMMENTS PERTAINING TO STUDY SESSION / CLOSED SESSION ITEMS (3 Minute Time Limit) - None.

## STUDY SESSION

(City Council/Redevelopment Agency) Study Session No. 1 Held - Joint meeting of the Citizen Participation Advisory Board (CPAB) and City Council to review recommendations for the 2009/10 Action Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME).

### Roll Call - CPAB

Present - Peter Andres, Rick Campbell, Linda Couey; Absent - John Baley, Raisa Barkley, Patrick Burns, Diane Campbell, Angie Dahman, Whitney Graham, Terry Hoffman, Andy Ruiz, Ann Spiratos, and Lew Stowers

Deputy Economic Development Director Kelly Fritzal introduced Housing Manager Sidney Stone who made a PowerPoint presentation entitled *City Council Community Development Block Grant dated June 1, 2009* that included the following discussion points: Consolidated Plan, The Process, CDBG Category Allocations, Recommendations (Public Services), Recommendations (Public Improvements), 2009/10 Allocation and Action Plan, and Next Steps.

CPAB member Rick Campbell described the tough decisions made by the Board when recommending where to minimize allocations, deviations from last year, and staying focused on organizations that serve the community.

In response to an inquiry made by Councilmember Coerper, Travis Hopkins, Director of Public Works indicated that he would produce information on past allocations related to American Disabilities Act (ADA) requirements. Councilmember Coerper also commented on funds allocated to the Shipley Nature Center.

Councilmember Carchio and Deputy Fritzal discussed proposed allocations to the Oakview Community Center and Shipley Nature Center. Councilmember Carchio voiced concerns about funds needed for wheelchair access at Shipley, and Deputy Fritzal discussed fundraising opportunities by The Friends of The Shipley Nature Center.

Councilmember Dwyer and Deputy Fritzal discussed spending restrictions and how funds cannot be cross-pollinated. Discussion ensued on what programs the City supports through the General Fund.

Councilmember Hardy and Deputy Fritzal discussed meal programs and ADA renovations at Banning Library.

Councilmember Hansen voiced appreciation for CPAB members. Police Chief Small responded to Councilmember Hansen's inquiry related to the Community Services Program (CSP) that targets gang prevention, and discussion ensued on how every entity has the ability to raise funds on their own.

Mayor Bohr thanked members of CPAB for their hard work.

(City Council) Study Session No. 2 Held - Presentation of 'Cost Recovery Study Findings.' Presentation included a discussion of the City's true cost of providing services, as well as recommended fee changes for all fee-related activities.

City Administrator Wilson referred to Director of Finance Bob Wingenroth, who introduced Senior Administrative Analyst Michael Solorza and Acting Budget Manager Jennifer Lampman. A PowerPoint presentation entitled *Cost Recovery Study and Fee Schedule Update* dated June 1, 2009 was made that addressed the following topics: Here's Our Path, Purpose of the Study, Our Process, Fee Structure/Examples, Approach Used to Make Fee Recommendations, Phased Approach for Certain Development Fees and Summary of Recommendations.

Each Department Head present discussed their respective fee information highlighted in the report.

Councilmember Hardy questioned fee dispersed for instruction classes and Library replacement cards.

Councilmember Coerper questioned standardizing fees for media rentals, and City Administrator Wilson explained setting money aside money for the General Plan Update.

Councilmember Carchio and Police Chief Small discussed collecting fees for incarceration. Chief Small explained what the booking fee covers, and how state law prohibits collection of detainee fees prior to court decisions.

Councilmember Dwyer questioned whether the identified fees could be justified based on being above normal in comparison to other cities. Director of Planning Scott Hess explained how formulas differ depending on what cities consider fully-burdened rates. Councilmember Dwyer and Director Hess also discussed entitlement fees for child day care.

#### RECESS TO CLOSED SESSION

A motion was made by Coerper, second Carchio to recess to Closed Session at 5:37 PM. The motion carried by the following roll call vote:

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

#### CLOSED SESSION

Pursuant to Government Code § 54956.9, the City Council recessed into closed session to confer with the City Attorney regarding the following lawsuit: Catherine Denise Cranford v. City of Huntington Beach, et al., Orange County Superior Court Case No. 30-2008-001106397. Plaintiff, a former supervisor in the City's jail, has sued the City alleging violation of her right to privacy in releasing confidential medical information and has sued the City and another jail supervisor alleging sexual harassment and retaliation based on her sexual orientation.

Pursuant to Government Code Section 54956.9(b)(3)(A), the City Council recessed to Closed Session to confer with its attorney regarding potential litigation. Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet

known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed. Number of Potential Cases: Unknown at this time. Subject: Potential Litigation re Site License Agreement with Omnipoint Communications, Inc. (A T-Mobile USA, Inc, Subsidiary) for Wireless Telecommunication Facility at Harbour View Park.

6:00 PM - COUNCIL CHAMBERS

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Bohr reconvened the regular meeting of the City Council/Redevelopment meeting to order at 6:05 PM, and read into the record that pursuant to Resolution No. 2001-54, Mayor Pro Tem Green has requested to be absent from tonight's meeting.

The City Council granted permission for the absence of Mayor Pro Tem Green pursuant to Resolution No. 2001-54.

CLOSED SESSION REPORT BY CITY ATTORNEY - None.

ROLL CALL

Present: Carchio, Dwyer, Bohr, Coerper, Hardy, and Hansen

Absent: Green

PLEDGE OF ALLEGIANCE - Led by Girl Scout Troop 1637.

INVOCATION - Led by Reverend Jan Wiley, Senior Pastor from Community Methodist Church.

SPECIAL ANNOUNCEMENT - Mayor Bohr announced the month of June as Gay and Lesbian Pride Month. The month of June was first proclaimed by President Clinton to recognize gays, lesbians, their families and friends in commemoration of the Stonewall Inn uprising in New York City 40 years ago. Recognition of the Federal cultural heritage months is a program of the City's Human Relations Task Force.

PRESENTATION - Mayor Bohr recognized Eagle Scout Ian Ferguson for his accomplishments. Mr. Ferguson announced that he would be attending the United States Air Force Academy.

ANNOUNCEMENT OF CENTENNIAL MONTH - Mayor Bohr invited Ralph Bauer from the Centennial Celebration Committee to announce June as Diversity Month. Mr. Bauer gave an overview of the events scheduled for the month to celebrate diversity in the community.

ANNOUNCEMENT - Mayor Bohr called on Councilmember Gil Coerper to recognize the Huntington Beach Art Center for a recent exhibit and event that was held. He noted there were over 300 persons in attendance and that the exhibit featured the art of local students and children.

PRESENTATION - Mayor Bohr invited Erika Reardon, Chair for the Taste of Huntington Beach Committee, Ron McLin, President of the Huntington Beach Restaurant Association, Stephanie Beverage, Director Library Services and Nanci Williams, Principle Librarian from the Children's Library to present a check in the amount of \$20,000 to the Huntington Beach Children's Library following the fundraiser held April 26th.

PRESENTATION - Mayor Bohr invited Children's Needs Task Force Chair Bob Dettloff to announce the honorees for the Youth Character Awards.

Mr. Dettloff stated of 66 nominations received, the following 18 outstanding individuals are being honored for exceptional acts of character: Alicia Adams, sophomore at Huntington Beach High School; Emilie Aghajani, 7th grade student at Marine View Middle School; Jake Cavano, 3rd grade student at Lake View Elementary School; Kevin Edwards, senior at Ocean View High School; Megan Furry, 7th grade student at Dwyer Middle School; Dakota Johnson, 4th grade student at Smith Elementary School; Antonio Krallman, 4th grade student at Village View Elementary School; Chaz LaMasa, 6th grade student at Dwyer Middle School; Megan Mannarelli, 5th grade student at Newland Elementary School; Armando Martinez, 8th grade student at Dwyer Middle School; Cody Meicht, 4th grade student at Harbor View Elementary School, Alexis Padilla, 6th grade student at Schroeder Elementary School; Vanessa Tecuanapa, freshman at Ocean View High School; Karyn Tindbaek, 3rd grade student at Harbor View Elementary School; Aly Torline, freshman at Huntington Beach High School; Hunter Van Rossum, 5th grade student at Smith Elementary School; Justin Vanleeuwen, 5th grade student at Harbor View Elementary School; Haylee Winburn, 6th grade student at Schroeder Elementary School.

#### ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open Meetings Act," City Clerk Joan Flynn announced late communications received by her office following distribution of the City Council agenda packet.

For public hearing items numbers 1 and 2, which will be held concurrently, a communication was submitted by Scott Hess, Director of Planning, dated May 29, 2009, entitled "Parkside Residential Project Zoning Text Amendment Number 09-05 Component." This item does change the recommended action and affects Ordinances 3832 through 3835 (attachments 5 through 8 in the agenda packet).

A communication was submitted by Shea Homes, dated May 29, 2009, entitled "Response to Bolsa Chica Land Trust Letter of May 26."

A communication was submitted by Scott Hess, Director of Planning, dated May 29, 2009, entitled "Parkside Residential Project Addendum Environmental Impact Report."

Various communications were also submitted by the following fifty-five (55) individuals regarding the Parkside Residential Project: Don and Patricia Keppler, Colleen Ponchak, Sheri Gust, Sheila Saar, Robert Saitma, Rhonda and Clark Corey, Wes Stoner, Larry and Sheila Anaya, Larry Reynolds, Robin Bowen, David Lahmani, John Kamp, Diane Harkink, Don and Mary Clemens, Donna Witteborn, Bernard Bendow, Jan D. Vandersloot, M.D., Joe and Geri Buley, John Healey, Tim Storer, Todd and Lisa Nowels, Mike Betancourt, Thomas Stoddard, Matthew Watson, Henry Cianciabella, Mark Bixby, James Dick, Stuart A. and Eugenie A. Ogilvie, Cheri Hoffman, Dirk Maes, Mike McMahan, Michael Beatty, Nadia Miller, Kathryn Maga, Thomas Neff, Danielle Koliboski, Lonna M., Carol MacGregor, Robert Briggs, Derick and Stacey Roselli, Melanie Hahn, Kevin Taugher, Robin Weissman, Philip Tanghal, Karen Hight and S. & S. Rubel.

A communication was submitted for Item #11 by Stanley Smalewitz, Director of Economic

dated June 1, 2009, entitled "Approved Joint Powers Agreement with City of Buena Park and matching funds Resolution/NSP funding." This item changes the recommendation action.

A communication was also submitted for Item Number 11 from Stanley Smalewitz, Director of Economic Development, dated June 1, entitled "Agreement with Buena Park for Neighborhood Stabilization Program."

#### PUBLIC COMMENTS (3 Minute Time Limit)

(The number following the speaker's comments reflect the approximate point in time in the archived video the speaker appears at <http://www.surfcity-hb.org/government/agendas>)

Matthew "Clint" Orr spoke to Council about placing a theater in the downtown area. His proposed location is between First and Second Street on Block 163. Mr. Orr mentioned several issues related to the project and his work in addressing profit, parking, hours of operation, sponsorship, philanthropists, redevelopment, and alternatives. He envisions a "world class" theater that can accommodate the Golden Bear and mentioned his recommendations on members he plans to invite to serve on an ad-hoc committee. (00:38:48)

Leslie Gilson, Coordinator for the Gibbs Butterfly Park, spoke about the community's usage of the park, various park activities, and fundraising events that help fund maintenance and upgrades. Ms. Gilson requested permission for an outside vendor to assist with "turn over" of the soil utilizing the money collected from fundraising. (00:41:43)

Robert Johnson, Cape Ann resident, spoke to Council about the inclusionary housing program that affects the Cape Ann Development, specifically "vague understandings not specifically definite to be enforceable," resale price determination, resale formula, and affordable conditions. Mr. Johnson also referenced a recent news article in the Orange County Register. (00:44:50)

Priscilla Cruz, Butterfly Educator and enthusiast, spoke regarding a recent bill (SCR 66), adopted by the State legislature, recognizing February 5 as California Western Monarch Day. She noted her group's educational efforts to encourage knowledge of Monarch migration and for the development of butterfly gardens. (00:48:04)

Julie Bixby, Bolsa Chica Land Trust, responded to comments Shea's Public Relations representative made in the Orange County Register related to ground water data. She voiced the public's right to comment on all areas of public policy and that the public does not require specific technical knowledge to make inquiries on projects that affect a community's quality of life. She suggested that the Council make inquiries during the upcoming public hearing as to why there appears to be a storm drain on the wetland portion of the project. (00:51:06)

Laura DuBow, Huntington Beach homeowner, expressed concerns regarding the removal of mature ficus trees in her neighborhood. She acknowledged the sewer and sidewalk related issues and urged the Council to stop cutting down trees. Ms. DuBow suggested a "rubber sidewalk" program as a potential green solution and offered her neighborhood as a "test site." She made several inquiries to the Council including whether the City has an environmentally friendly Master Plan and the City's educational efforts regarding green solutions to community issues. (00:53:32)

Diane Maust, Huntington Beach resident, expressed concerns regarding the City's removal of trees in her neighborhood. She spoke about the comfort the trees and the surrounding environment provided to her during her recent cancer treatment and recovery. (00:57:00)

David Carleen, Huntington Beach resident, voiced concerns to Council about the two parking citations he received for his vehicles parked in the alley behind his home. He noted that his neighbors and himself had been parking in the alley for several years without incident and there had been no previous information provided by the City that this action was illegal. He requested dismissal of the tickets and that the City provide a direct noticing program to the residents prior to issuing citations in the alley. (00:58:22)

#### ACTION ON THE FOLLOWING ITEMS OCCURRED OUT OF THE ORIGINAL AGENDA ORDER

##### CONSENT CALENDAR (Items #3 through #11)

Councilmember Hardy asked to be recorded as "Abstain" Consent Item No. 3/City Council minutes dated May 21, 2009 due to her absence from that meeting, and as "No" on Consent Item No. 10/Nationwide Environmental Services contract amendment on tonight's agenda.

3. (City Council/Redevelopment Agency) - Approved and adopted minutes.

A motion was made by Coerper, second Carchio to approve and adopt the minutes of the City Council/Redevelopment Agency regular meeting of May 4, 2009, the City Council/ Redevelopment Agency regular meeting of May 18, 2009, and the City Council/ Redevelopment Agency special meeting of May 21, 2009 as written and on file in the office of the City Clerk. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Bohr, Coerper, Hardy (May 4<sup>th</sup> and May 18<sup>th</sup>), and Hansen  
NOES: None  
ABSTAIN: Hardy (May 21<sup>st</sup>)  
ABSENT: Green

4. (City Council/Redevelopment Agency) Received and filed the City Clerk's quarterly report listing of Professional Service Contracts filed in the City Clerk's Office between January 1, 2009 and March 31, 2009.

A motion was made by Coerper, second Carchio to receive and file the "List of Professional Service Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and Submitted to the Office of the City Clerk during the period of January 1, 2009 through March 31, 2009." The motion carried by the following roll call vote:

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

5. (City Council) Authorized the Director of Public Works to execute the California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Implementation Agreement

to remain eligible for federal-aid funding from the Federal Highway Administration (FHWA) for local transportation projects.

A motion was made by Coerper, second Carchio to authorize the Director of Public Works to execute the "California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies." The motion carried by the following roll call vote:

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

6. (City Council) Approved project plans and specifications and awarded a construction contract in the amount of \$1,318,285.50 to RJ Noble Company for the Magnolia Street Rehabilitation from Pacific Coast Highway to Atlanta Avenue, CC-1341 Phase 1; and, authorized the Mayor and City Clerk to execute the contract in a form approved by the City Attorney.

A motion was made by Coerper, second Carchio to approve the project plans and specifications for the Magnolia Street Rehabilitation from Pacific Coast Highway to Atlanta Avenue, CC-1341 Phase 1; and, accept the lowest responsive and responsible bid, including the additive bid item, submitted by RJ Noble Company, in the amount of \$1,318,285.50; and, authorize the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. The motion carried by the following roll call vote:

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

7. (City Council) Approved the Consolidated Plan 2008 Action Plan Substantial Amendment required by the Department of Housing and Urban Development (HUD) to receive a grant of Community Development Block Grant (CDBG-R) funds under the American Recovery and Reinvestment Act of 2009.

A motion was made by Coerper, second Carchio to approve the "Substantial Amendment to the 2008-09 Action Plan for CDBG-R Funds." The motion carried by the following roll call vote:

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

8. (City Council) Approved and authorized the Mayor and City Clerk to execute Amendment No. 2 in the amount of \$30,000 to the professional services contract between the City of Huntington Beach and Pageantry Productions for coordination and production of the Fourth of July Parade.

A motion was made by Coerper, second Carchio to amend the existing contract with Pageantry Productions to cover the cost of producing the 2009 Fourth of July Parade. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Bohr, Coerper, Hardy, and Hansen  
NOES: None

ABSENT: Green

9. (City Council) Adopted Resolution No. 2009-26 to establish the annual appropriation limit of the proceeds from taxes in the amount of \$646,330,684 for fiscal year 2009/2010, pursuant to Article 13B of the State of California Constitution (Gann Appropriation Limit).

A motion was made by Coerper, second Carchio to adopt Resolution No. 2009-26, "A Resolution of the City Council of the City of Huntington Beach establishing the Appropriation Limit for Fiscal Year 2009-2010" of \$646,330,684. The motion carried by the following roll call vote:

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

10. (City Council) Authorized an amendment to the street sweeping contract with Nationwide Environmental Services (NEC) for an additional \$314,000 per year, with a term of five years and two one-year options; and, approved NEC's proposal to amend their wage structure to market rate changing the City's current practice of paying prevailing wage on maintenance contracts.

A motion was made by Coerper, second Carchio to approve the proposal by Nationwide Environmental Services to amend their wage structure to market rate changing our current practice of paying prevailing wage on maintenance contracts; and, authorize an amendment to the existing contract in a form approved by the City Attorney for an additional \$314,000 per year, and term of five years and two one-year options. The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Bohr, Coerper, and Hansen  
NOES: Hardy  
ABSENT: Green

11. (City Council) Approved and authorized execution by the City Administrator of the Participating Public Jurisdiction Joint Agreement to Participate in the Neighborhood Stabilization Program (NSP) with City of Buena Park; Approved and authorized execution by the Mayor and City Clerk of the agreement between the City of Huntington Beach and the City of Buena Park for allocation of Neighborhood Stabilization funds; Adopted Resolution No. 2009-29, approving an application for funding and the execution of a grant agreement and any amendments for the State of California NSP.

A motion was made by Coerper, second Carchio to approve the **amended motion as provided by late communication** to authorize the City Administrator to sign the "Participating Public Jurisdiction Joint Agreement to Participate in the Neighborhood Stabilization Program" **in its substantial form**; and, approve the "Agreement Between the City of Huntington Beach and the City of Buena Park for Allocation of Neighborhood Stabilization Funds" **in its substantial form**; and, adopt Resolution No. 2009-29, "A Resolution of the City Council of the City of Huntington Beach Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments Thereto from the State of California Neighborhood Stabilization Program (NSP)." The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Bohr, Coerper, Hardy, and Hansen

NOES: None  
ABSENT: Green

COUNCIL COMMITTEE / APPOINTMENTS / LIAISON REPORTS AND ALL AB 1234  
DISCLOSURE REPORTING - None.

Councilmember Coerper sent get well wishes to Mayor Pro Tem Green and wanted her to know the Council was thinking of her.

CITY ADMINISTRATOR'S REPORT - None.

PUBLIC HEARING

(The number following the speaker's comments reflect the approximate point in time in the archived video the speaker appears at <http://www.surfcity-hb.org/government/agendas>)

Public Hearing Item Nos. 1 and 2 are two segments of one public hearing and will be held concurrently.

1. (City Council) Public hearing held. Adopted Resolution No. 2009-27 approving General Plan Amendment 98-1(R); approved Zoning Map Amendment No. 96-5(R) with findings and adopted Ordinance No. 3831 amending the Huntington Beach Zoning and Subdivision Ordinance (HBZSO); approved Zoning Text Amendment No. 09-05(R) with findings; adopted amended Ordinance No. 3832 amending Chapter 210 of the HBZSO relating to Residential Districts; adopted amended Ordinance No. 3833 amending Chapter 216 of the HBZSO relating to the Coastal Conservation District; adopted amended Ordinance No. 3834 amending Chapter 221 of the HBZSO relating to the Coastal Zone Overlay District; adopted amended Ordinance No. 3835 amending Chapter 230 of the HBZSO relating to Site Standards; and, adopted Resolution No. 2009-28 adopting Local Coastal Program Amendment (LCPA) No. 09-01 to amend the Local Coastal Program Implementing Ordinances to reflect Zoning Map Amendment No. 96-5 (R) amending the zoning for the real property generally located on the west side of Graham Street, south of Kenilworth Drive, and Zoning Text Amendment No. 09-05 amending Chapters 210, 216, 221, and 230 of the HBZSO and requesting certification by the California Coastal Commission (Parkside Residential Project).

2. (City Council) Approved revised Tract Map Nos. 15377(R) and 15419(R) and Entitlement Plan Amendment No. 08-08 amending Conditional Use Permit No. 96-90 and Coastal Development Permit No. 96-18 (Parkside Residential Development) with findings and amended conditions of approval.

Planning Manager Mary Beth Broeren provided a PowerPoint presentation and staff report on these items. Ms. Broeren provided background information on the Parkside Estates development project. She included the historical action on this item dating back to October 2002 and the various approvals given for the development. In 2008, the California Coastal Commission and City approved a modified land use plan for the project. The property owner is requesting to amend various components of the previous approval including a General Plan Amendment, Zoning Map Amendment, Zoning Text Amendment and Local Coastal Program Amendment.

Manager Broeren noted that staff was able to include the California Coastal Commission's most

recent recommendations into tonight's proposed Ordinance language. She noted an additional change to Chapter 216 (page 1-92 in the agenda packet) which includes a new definition, by eliminating certain language, for "resource protection areas." In the final analysis, Ms. Broeren noted that the requested entitlements for this project would achieve consistency with the General Plan, Zoning and Coastal Element Land Use Plan, would implement the policies of the Coastal Element, would result in compatible land uses and resource protection, and would not result in significant adverse environmental impacts.

Senior Planner Rami Talleh provided a PowerPoint presentation regarding the current Planning entitlements for this project. He reviewed the proposed revised tract map information which would include reducing the numbered lots from 170 to 111 and to improve a 1.57 acre park. Mr. Talleh noted in the final analysis that the revised project will remain compatible with surrounding single family residences in terms of density, height and architectural massing, separation from existing homes, pad heights and street grades. The project layout and design are comparable with the previously approved plans and the project will increase the open space conservation area.

In response to an inquiry from Councilmember Hardy, staff noted that the ground level would need to be raised to be compliant with the flood zone requirements consistent with the previously approved plan. The total raised height would be approximately 4 1/2 feet and higher than the surrounding homes. In response to Ms. Hardy's inquiry as to the storm drain location at the bottom of the agricultural pond wetland, staff affirmed the location would control overflow from the site. Staff further noted that the applicant had worked directly with Coastal Commission for the final design of the wetlands.

In response to a comment from Councilmember Dwyer, staff commented that the existing wall will remain on the property.

Mayor Bohr opened the public hearing. Pursuant to the Brown "Open Meetings" Act, City Clerk Flynn read into the record the late communications on Public Hearing Item Numbers 1 and 2 that were received by her office following distribution of the agenda packet:

A communication submitted by Scott Hess, Director of Planning, dated May 29, 2009, entitled "Parkside Residential Project Zoning Text Amendment Number 09-05 Component." This item does change the recommended action and affects Ordinances 3832 through 3835 (attachments 5 through 8 in the agenda packet).

A communication submitted by Shea Homes, dated May 29, 2009, entitled "Response to Bolsa Chica Land Trust Letter of May 26."

A communication submitted by Scott Hess, Director of Planning, dated May 29, 2009, entitled "Parkside Residential Project Addendum Environmental Impact Report."

Various communications submitted by the following fifty-five (55) individuals regarding the Parkside Residential Project: Don and Patricia Keppler, Colleen Ponchak, Sheri Gust, Sheila Saar, Robert Saitma, Rhonda and Clark Corey, Wes Stoner, Larry and Sheila Anaya, Larry Reynolds, Robin Bowen, David Lahmani, John Kamp, Diane Harkink, Don and Mary Clemens, Donna Witteborn, Bernard Bendow, Jan D. Vandersloot, M.D., Joe and Geri Buley, John Healey, Tim Storer, Todd and Lisa Nowels, Mike Betancourt, Thomas Stoddard, Matthew Watson, Henry Cianciabella, Mark Bixby, James Dick, Stuart A. and Eugenie A. Ogilvie, Cheri

Hoffman, Dirk Maes, Mike McMahan, Michael Beatty, Nadia Miller, Kathryn Maga, Thomas Neff, Danielle Koliboski, Lonna M., Carol MacGregor, Robert Briggs, Derick and Stacey Roselli, Melanie Hahn, Kevin Taugher, Robin Weissman, Philip Tanghal, Karen Hight and S. & S. Rubel.

Ron Metzler, representing Shea Homes (the Applicant), began his comments by identifying that tonight's submission represented a refinement of the land use plan that was originally submitted to the City. Parkside Estates is an infill project, designed to be compatible with surrounding land uses. The Coastal Commission and City Council granted approvals in June of 2008 and that this is not a new plan or new project. All submitted input questions and environmental impacts had been thoroughly reviewed, the project had a reduced footprint, and included the creation and protection of a natural resources transition to the Bolsa Chica. He further noted that the project included an increased area of protected wetlands and an enhanced water runoff treatment system to provide regional water quality improvements. The developer will also include a natural treatment system yielding regional benefits, which would replace the current deficient system. It would also provide regional flood protection to guard residents from tidal flooding. (01:31:50)

City Clerk Joan Flynn requested that the applicant provide the City Clerk's Office with a copy of the PowerPoint Presentation shown during Mr. Metzler's comments to the Council.

Neil Jordan, for Shea Homes, described data regarding flood plan and watershed study. He noted that FEMA approved their submitted study and issued a notice. The results of the new study and effective flood map for the area would result in approximately \$7 million in insurance premium savings to residents living in the current flood zone. The Parkside development will eliminate tidal flood possibilities, allow for the natural treatment of urban runoff, and will treat storm flows from the project side and adjacent parcels. (01:35:58)

Laer Pearce, Shea Homes, referenced the comparison study of the project's natural and open space between the 2002 and 2009 plans, which effectively doubled the acres of natural and open space. Parkside Estates will include open space and trails, a Class 1 bike trail, reduction of environmental impacts, and a reduced unit count which will, in turn, reduce traffic impacts. Mr. Pearce also noted the developer's concurrent commitment to improving the regional infrastructure. He noted that the Kenilworth residents will not be "walled off." (01:38:45)

Fred Graylee, Hunsucker Associates, reviewed the traffic study conducted on Graham Street and noted that the traffic was evaluated in the 2002 plan submission. He further commented that the Parkside project will improve traffic and safety conditions on Graham Street to include traffic calming measures such as striping, bike lanes, and traffic signals at the park entrance. Mr. Graylee reviewed the County's installation of emergency sheet piling and the current analysis on the groundwater wells. The monitoring began in 1999 and recently, with the final plan submission, the ensuing groundwater information will be utilized to address all future groundwater issues. He noted his confidence that the developer had performed due diligence regarding dewatering and that process would have no significant impact on the surrounding homes. (01:41:49)

Steve Kaufmann, Richards, Watson and Greshon Law Firm, concluded that the initial presentation from the Parkside Team, including the Environmental Review process and original Environmental Impact Report (EIR), was valid. The certification of the project as proposed was not challenged and the Coastal Commission reviewed and approved the land use plan, with

modification, which the Council ultimately accepted. He elaborated that the Coastal Commission's environmental agreement is the functional equivalent of a CEQA EIR and commented on the benefits that the Parkside development will provide to the community. Finally, he noted that many residents would likely experience relief from mandatory flood insurance requirements and various other benefits including the new natural treatment and sanitary sewer lift, the 24 acres of open space, parks and trails, a class 1 bike trail, and the new road striping and traffic signal on Graham. Mr. Kaufmann concurred with staff recommendations and conditions of approval on this project. (01:45:18)

David Carlberg, President of the Amigos de Bolsa Chica, commented that he has advocated the protection of wetlands in the Bolsa Chica for over 35 years. Mr. Carlberg expressed concerns regarding groundwater levels at the Parkside development which may impact the Bolsa Chica wetlands. He requested that the Council defer decision on this project until a new EIR can be conducted assessing the impacts of the potential groundwater reduction. (01:48:32)

Dean Albright, Bolsa Chica Land Trust member and past Environmental Board member, expressed concerns regarding the City's groundwater levels. He noted that one of the two largest aqua-faction areas in California is in Huntington Beach and noted the delicate nature of the water table. (01:50:07)

Connie Boardman, former City Councilmember, requested that the City require an additional Environmental Impact Report for the Parkside development as the project will impact the Upper Bolsa Chica Wetlands. She noted that the environmental information provided to the Council is over ten years old and suggested the deferral of any further Council action until updated data can be obtained. (01:53:31)

Christine Rodell, Huntington Beach property owner, publically stated her support for the Shea Homes Parkside Estates project. Ms. Rodell spoke about her desire for the increased tidal flood plan protection offered by the developers. (01:55:40)

John Swetkovich spoke supporting the Parkside development and addressed the increased flood plan protections offered by the project developers. (01:56:34)

Adam Rodell, Huntington Beach property owner, commented that he is a supporter of the Shea Homes Parkside development. Mr. Rodell noted the increased level of safety from potential floods and the concurrent decrease in required flood insurance. He welcomed the opportunity to live more safely and affordably in his home and respected the information provided by the experts in consideration of wetland protection. He affirmed that these impacts had been properly addressed and expressed concerns regarding the liability if flood zone enhancements were not built. (01:57:06)

Paul Arms, President of the Bolsa Chica Land Trust and resident of Huntington Beach, spoke about the need for a subsequent Environmental Impact Report since new information was not addressed by the current addendum. The information he referred to included pad heights, flood protection, wetlands, the cumulative impacts on traffic, air quality, water quality, and impacts on sensitive species. Mr. Arms commented that the basic purpose of CEQA was to inform decision makers and the public about significant environmental impacts of projects. In his estimation, a flood protection levy is not a minor addition and that this project requires an additional EIR. (02:00:03)

Gerald Chapman spoke about the effect of the 110 additional homes on the current voluntary water rationing. He suggested that the City enforce a condition that no building permits could be issued until the City is officially out of the drought. He inquired as to whether the developers would indemnify the homeowners if some of the environmental impacts come to fruition.

(02:05:31)

Lori Feldman, Huntington Beach resident, noted she lives directly across from Shea property in an area commonly known as the "bean field." Ms. Feldman presented a photo of a tractor caught in mud on the Shea property. She claimed that there are wetlands located on the bean field and expressed concerns that the adjacent wetlands will be destroyed by this project. She urged the Council to deny approval of the project. (02:05:32)

Julie Bixby, Huntington Beach resident, made two inquiries in her comments. The first was related to the location of the drain at the basin, and the second related to whether the entry monumentation exceeds City code. Ms. Bixby questioned the veracity of the environmental addendum and referenced the previous mitigation measures included in the first environmental report regarding the need for additional Fire Department services if this project were approved. (02:07:17)

Lauren Pearce, Shea Homes, hand deliver letters of support for the Parkside Estates development project to the City, and commented that 105 residents have sent letters of support. She acknowledged that the current proposed project reduces the number of homes and impacts on traffic and that a new flood map will take homes out of the mandatory flood protection zone. (02:10:37)

Mark Bixby, Huntington Beach resident, presented a PowerPoint slideshow which outlined the groundwater impacts of the project and the emergency sheet piling installed in January 2008 by Los Angeles County. He further noted various groundwater rates and that the water level has declined by four to five feet in less than three weeks. Mr. Bixby reported that four wells were "dry" or "near dry" after the monitoring had started but that they had never run dry in the past. He further commented that the water level dropped steeply after sheet piling was installed. He expressed support for a subsequent Environmental Impact Report. (02:12:12)

Joannah Lewis, resident of Huntington Beach, acknowledged that she moved to the City for its open space and great neighborhoods and walking trails. She commented that the area is already an open space with access to the wetlands and that the project will create a barrier from this recreational space. She expressed concerns that the new homes will stand at higher elevations than her home. (02:15:28)

Flossie Horgan, Huntington Beach resident, distributed copies of a full-page ad placed by Shea Homes on June 21st, 2007. She expressed concerns whether the project would actually result in the reduction of mandatory insurance in the flood zone. She alleged this was a strategy by Shea Homes to gain community support for the project. Ms. Horgan explained the Conditional Letter of Map Revision (CLOMAR) and Letter of Map Revision (LOMAR) approval process from FEMA, and that there were no guarantees that residents would receive a reduction in flood insurance as was communicated by FEMA. She urged to continue the public hearing until a determination could be made pursuant to the flood insurance claims made by the applicant. (02:18:40)

Don Hebard, 32-year Huntington Beach resident, noted that the County had previous plans to perform the pump developments that Shea Homes would be completing. Since that time, the County went bankrupt and the project was abandoned. Mr. Hebard commented on the possibility the development may reduce flood insurance premiums or eliminate the requirement altogether. In conclusion, he noted his desire for a reverse mortgage on his home, however, the current flood insurance requirement made that process cost-prohibitive for him. (02:21:56)

Leslie Patton, Cost Manager and Huntington Beach resident, expressed her opposition to any development near the Bolsa Chica wetlands for the following reasons: 1) water conservation, noting the California legislature imposition of restrictions on water, 2) marine life, noting that without wetlands, marine life would effectively "die off" and subsequently harm the California fishing industry, 3) bird sanctuary, noting that Huntington Beach would lose the rare birds that inhabit the area, 4) tourism, noting that visitors would want to avoid the overpopulation and pollution that overdevelopment would bring to the wetlands. She acknowledged her support for the efforts of the Bolsa Chica Land Trust. (02:23:42)

Sandra L. Genis, spoke about the need for a subsequent Environmental Impact Report and that the current addendum is not adequate. She alleged that the addendum failed to provide accurate data and how much, if at all, items of concern such as noise and traffic, will be reduced. She also expressed concerns about the monumental entry structure. (02:26:40)

Jeff Lebow, Bolsa Chica Land Trust, Harvest Club Member and 22-year Huntington Beach resident, spoke regarding the validity of points expressed on both sides of this matter. He stressed that approval of this project would determine the legacy of the current City Council members and urged them to act in accordance with their vision of Huntington Beach's future. (02:29:49)

Jennifer Thomas, homeowner on Kenilworth Drive, urged the Council to postpone their decision on this matter. She expressed concerns regarding the construction height at the project, since the elevation maps show 10 feet and staff spoke about 4 foot elevation changes. Ms. Thomas commented on the negative impacts of the project including dewatering and soil compaction. She also inquired as to who would be responsible for any damage to existing homes. (02:32:53)

Monica Hamilton, Kenilworth Drive resident, requested Shea Homes to indemnify the City from any actions caused by dewatering and earth moving activities. She expressed concerns regarding the fill that will be brought in to raise house pads and the impacts of the trucks on City streets. She further inquired as to the opening of Greenleaf Lane, opened as a second access point to the Parkside property, and requested that emergency access be retained by the City in perpetuity. (02:33:52)

Kevin Kelter, Huntington Beach resident, spoke about the traffic impacts at Prestige tracts and distributed a document to the City Council. He detailed a few of the points expressed in the letter including the current traffic "stacking" from Graham to Warner and commented that drivers will shortcut through the Prestige tract once the Parkside project is built. He requested synchronization with the Shea signal all the way down to Warner and that the City add a signal at Pendleton. (02:36:49)

Douglas Stewart, Kenilworth Drive, noted his involvement with the Parkside project over the past ten years, and the knowledge he has gained about development, the City's building

processes and environmental impacts. He suggested, based upon his understanding of the major engineering, dewatering, and compaction related to the Parkside project, that his house and tract should not have been built on the current site, and the proposed development should not be built either. He requested that Shea indemnify the homeowners for any future negative impacts and stated his belief that the project requires another environmental impact report.  
(02:40:13)

Eileen Murphy, Huntington Beach resident, expressed her vote for a subsequent EIR.  
(02:43:25)

Ron Metzler, representing Shea Properties, addressed comments made by public speakers. He noted that Shea had provided a new watershed study which was approved by FEMA and that the CLOMAR will stay in place. In regard to the County's sheet pile placement, the builder has been monitoring this site for years and that the increase and decrease in the existing water table is a cyclical process. Mr. Metzler further noted that the EIR was exhaustively completed in 2002 and that the Coastal Commission's findings are a functional equivalent of an EIR.

With no one else present to speak, Mayor Bohr closed the public hearing.

In response to an inquiry from Councilmember Hansen, the applicant noted that there have been no significant changes that would change the methodology by which the CLOMAR was granted. The applicant also noted that the elevation changes were due to existing topography, however the differential remained at 4 1/2 feet.

Representatives from Shea Homes and staff responded to several inquiries from Councilmember Carchio. Jim Castles, representing Shea Homes, addressed questions regarding groundwater, noise and vibration impacts, and the conditions for the installation of sheet piling by the County. Mr. Metzler noted that residents will not feel vibrations or hear the noise from further installation of sheet piling. He further acknowledged that even though the current project now has a decreased number of homes, Shea Homes is still exceeding the required park size even though they could have opted to renegotiate the park size. In regard to the changes in pad elevations, he noted the series of high and low points in the existing topography.

Steve Kauffman, Shea Homes, addressed Councilmember Carchio's questions regarding the Coastal Commission's review being considered a functional equivalent of an EIR and cited case law which affirmed this assertion. He concluded that the Coastal Commission's certified regulatory program is the functional equivalent of an EIR.

Councilmember Hardy made several inquiries of the applicant. Mr. Metzler responded that the imported soil would have come from the Brightwater development, but they will likely now import from alternative sources. He noted Shea's sensitivity to chemical composition. Mr. Metzler confirmed the CLOMAR findings with FEMA and noted Shea's continued contact with the federal agency.

Staff commented that project developers occasionally improved parks in order to make up the "difference" in not providing additional parkland. Typically, however, developers will meet the Quimby requirement. Staff further noted that Huntington Beach still has undeveloped park land and that the City will occasionally take slightly less acreage for parks if the developer agrees to develop a park.

In response to inquiries from Councilmember Coerper, staff affirmed that it was basing its recommendations on updated and valid information and that the environmental impacts of the current project are still less than the original project. Staff also confirmed that the same information was presented to the Coastal Commission and that information and testimony was provided at their hearing related to the dewatering impacts and the FEMA CLOMAR.

A representative from the Fire Department affirmed that staff had reviewed the emergency entrance and exit to the project and felt comfortable with the secondary access on Greenleaf. He also acknowledged this would be a "Knox" padlock and normal traffic would ingress and egress via the main gate.

Councilmember Dwyer thanked the members of the audience for their respectful behavior.

In response to inquiries from Councilmember Dwyer, staff noted that the City has established truck haul routes and that the Greenleaf emergency access will be in perpetuity.

Howard Johnson, Public Works Water Division Utility Manager, commented that he had reviewed the County's studies and the applicant's studies and does not find any significant impacts in the data presented.

Mr. Metzler addressed monitoring well locations, the County's lack of channel maintenance which prompted an emergency declaration, and the Coastal Commission's granting the County a permit under specific conditions. He further noted that the County is making improvements for their own requirements with the Coastal Commission.

In response to inquiries from Councilmember Dwyer, Fire Division Chief William Reardon commented on the response times for emergency services to the Parkside residences and noted that the distance from the new project to the Heil Fire Station is one quarter mile.

Staff affirmed that the staging of trucks will be done on the project site.

In response to inquiries from Mayor Bohr, staff affirmed that the project home sizes will range from 3,000 to 3,700 square feet and that sprinkling is required in homes of over 5,000 square feet.

In response to inquiries from Councilmember Carchio, Mr. Johnson's professional opinion was that the current water supply was adequate for the number of Parkside homes being proposed. He also confirmed that the Metropolitan Water District provides the City with an adjustment for housing growth.

In response to an inquiry from Mayor Bohr, Jim Castles responded that the project will be built in phases and explained the phasing in terms of "feet" rather than number of pads built at a time. He detailed the 200 x 200 foot construction area process and how importing and excavating activities are planned. Discussion ensued on storm drain distance from adjacent homes and the dewatering process.

A motion was made by Hansen, second Coerper to approve General Plan Amendment No. 98-1(R) by adopting Resolution No. 2009-27, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 98-1(R);" and, approve Zoning Map

Amendment No. 96-5(R) with findings for approval and approve for introduction Ordinance No. 3831, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance (Zoning Map Amendment No. 96-5(R));" and, approve Zoning Text Amendment No. 09-05 with findings for approval and approve for introduction Ordinance No. 3832, "An Ordinance of the City of Huntington Beach, amending Chapter 210 of the Huntington Beach Zoning Code Relating to Residential Districts;" approve for introduction Ordinance No. 3833, "An Ordinance of the City of Huntington Beach Zoning Code Relating to the Coastal Conservation District;" approve for introduction Ordinance No. 3834, "An Ordinance of the City of Huntington Beach Zoning Code Amending Chapter 221 of the Huntington Beach Zoning Code Relating to the Coastal Zone Overlay District;" approve for introduction Ordinance No. 3835, "An Ordinance of the City of Huntington Beach Amending Chapter 230 of the Huntington Beach Zoning Code Relating to Site Standards;" and, approve Local Coastal Program Amendment No. 09-01 with findings for approval, and adopt Resolution No. 2009-28, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 09-01 to Amend the Local Coastal Program Implementing Ordinances to Reflect Zoning Map Amendment No. 96-5(R) Amending the Zoning for the Real Property Generally Located on the West Side of Graham Street, South of Kenilworth Drive and Zoning Text Amendment No. 09-05 Amending Chapters 210, 216, 221, and 230 of the Zoning Subdivision Ordinance and Requesting Certification by the California Coastal Commission;" and, approve revised Tentative Tract Map Nos. 15377(R) and 15419(R) and Entitlement Plan Amendment No. 08-08 with findings and suggested conditions of approval, **as amended by late communication acknowledging revised Ordinances Nos. 3832, 3833, 3834, and 3835 striking language in Chapter 216, Section 216.04 (H) "including any area adjacent thereof" and adding language "staging of trucks shall occur onsite" to Condition of Approval No. 5.jj for Tentative Tract Map Nos. 15377 (R) and 15419 (R).** Vote to follow.

Councilmember Hardy remarked that she voted against the EIR for the project when she served on the Planning Commission. She favored in side of protecting the wetlands and that the EIR could not have been exhaustive if it ignored the wetlands. She expressed concerns with the existing environmental studies and acknowledged her support for the wetlands and the neighborhoods that would be impacted by the project. In conclusion, Ms. Hardy noted that she would not be voting for the project tonight.

In response to an inquiry from Councilmember Carchio, Planning staff affirmed their support for the validity of all the environmental documents submitted for the plan.

The motion carried by the following roll call vote:

AYES: Carchio, Dwyer, Bohr, Coerper, and Hansen  
NOES: Hardy  
ABSENT: Green

City Clerk Joan Flynn read into the record all Ordinance titles included within the request.

#### COUNCILMEMBER COMMENTS (Not Agendized)

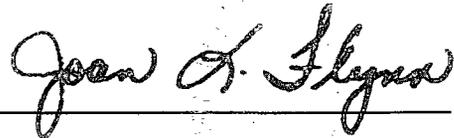
Councilmember Coerper attended the Eagle Scout Court of Honor for Adam and John Martin and commented on their Eagle Project at Shipley's Nature Center. He also attended the United States Army Future Soldiers event and acknowledged that there were over 780 participants.

Councilmember Carchio attended the Mayor and Council Members Executive Forum in San Diego and the United States Army Future Soldiers event. He commented on the outstanding barbeque put on by the Huntington Beach Firefighter's Association.

In response to Councilmember Dwyer, Police Chief Small provided an update on the children who were injured in a recent accident at the Childtime Daycare in Huntington Beach. Councilmember Dwyer sent his thoughts to the families whose children attend the preschool.

Mayor Bohr acknowledged his attendance at the Flags for Heroes event and thanked all the organizations and agencies who participated.

ADJOURNMENT - Council/Agency adjourned at 10:04 PM to the next regularly scheduled meeting on Monday, June 15, 2009, at 4:00 PM, 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