Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Tuesday, February 22, 2005
4:30 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:30 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:30 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:30 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper (arrived at 4:38 p.m.), Sullivan, Hardy, Green (arrived at 4:34 p.m.), Bohr, Cook
Absent: None

(City Council/Redevelopment Agency) Joint Study Session Between City Council and Finance Board Held - 2004 Finance Board Annual Report For Calendar Year 2004 Submitted (110.10)

Finance Board Roll Call

Present: Falzon, Bussiere, Lograsso, Chapman
Absent: Geddes, Domingo

Chairman Charles Falzon gave a PowerPoint report titled *HB City Council/Finance Board Study Session* and spoke regarding the *City of Huntington Beach Finance Board Annual Report – 2004,* both of which were included in the agenda packet. He outlined the Board's prior year's activities including the formation of three subcommittees. Chair Falzon stated that the Finance Board has three new members, and the purpose of the study session meeting is to review the 2004 Report and set goals for 2005.

Council discussion ensued relative to Board appointments, disclosure forms, implementation of Board recommendations, projection of revenue streams, and the communication path with the Treasurer's Office and the Finance Department.

Additional discussion was held concerning Board goals for 2005 including involvement with the Cost Allocation & Fee Study, potential follow-up study of Unfunded Liabilities, future roles of the Board and a Long Term Fiscal Plan. The Mayor and Councilmembers thanked the Board for

their work. The City Administrator recognized the Board's efforts with the Neighborhood Improvement Program and the proposed grants locator service, a Consent Calendar item on the agenda for the 6:00 p.m. portion of the meeting.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Hardy to recess to Closed Session on the following items. The motion carried by unanimous consent of all present, none absent.

(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 **Marcelino Morales Paniagua, an incompetent, by and through his Guardian ad Litem, Adela Paniagua v. Brandon Lee Clark; City of Huntington Beach, The Orange County Fire Authority; and The City of Westminster, et al.;** Orange County Superior Court Case No. 809007. **Subject**: Paniagua v. City of Huntington Beach, et al. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Absent: None

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

Mayor Jill Hardy 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 Boy Scout Den #10, Pack 101.

Moment of Silence in Honor of the Late Senior Police Officer Mark Hanson, His Family, and the Police Officers that Serve Us Daily – Mayor Hardy announced the many positions Senior Police Officer Mark Hanson held within the Huntington Beach Police Department since 1985 as well as his accomplishments, including being awarded the department Medal of Valor in 2003.

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 Doug Fisher, Assistant to Joe Novoa, Director of Construction Management Services for the Diocese of Orange dated February 22, 2005 titled *Negative Declaration City Council Appeal; Good Shepherd Cemetery.*

Communication submitted by Jennifer McGrath, City Attorney dated February 17, 2005 titled *Late Communication - Item D-3 On February 22, 2005 City Council Agenda Regarding Granting Pipeline Franchise To Southern California Water Company and Related Construction Agreement.*

Communication submitted by David C. Biggs, Director of Economic Development dated February 18, 2005 titled Agenda Item E-8: *Hyatt Regency Transient Occupancy Taxes.*

Communication submitted by the Police Department dated February 22, 2005 titled *Medical Marijuana Dispensaries*, which is a PowerPoint presentation.

Communication submitted by George Border dated February 14, 2005 (untitled) in opposition to the 8-day per month limit for recreational vehicle (RV) parking.

Communication submitted by Bob Polkow dated February 22, 2005 titled *The following is submitted in opposition to item G2a on 22 Feb council agenda - Unanswered Questions.*

Communication submitted by the Police Department dated February 22, 2005 which consists of a slide to replace Page G-2a.7 of the PowerPoint presentation included in the agenda packet.

Communication submitted by Lane Ferm dated February 22, 2005 (untitled) in opposition to proposed RV Parking Ordinance No. 3699.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Ray Bishop (undated) titled *16 Days Per Month RV Parking.*

Communication submitted by Joe Tuso (undated) titled *Address to the Huntington Beach City Council; City Council Meeting, Feb. 22, 2005* regarding proposed RV parking ordinance.

Communication submitted by Peter Petrelis (undated) titled *Address to the Huntington Beach City Council; City Council Meeting, Feb. 22, 2005* regarding proposed RV parking ordinance.

Communication submitted by Rolland Boepple (undated) titled *Mayor Hardy...Members of the Council, Chief Small and Mr. Petrelis* regarding proposed RV parking ordinance.

Communication submitted by Michael Cohen (undated) titled *Good evening Mayor and members of the City Council* regarding proposed RV parking ordinance.

Presentation - Mayor Jill Hardy called on Ralph Bauer and Ron Shenkman who presented checks to the Human Relations Task Force, represented by Karen Jackle. Former Mayor Bauer spoke about current events affecting human relations and the importance of practicing tolerance. He stated that the sponsorships are intended to enhance the education of young people. (160.40)

Presentation - Mayor Jill Hardy called on Rotary Club of Huntington Beach President Marleen Meyer and Huntington Beach Sunrise Rotary Club President Jim Xerikos who accepted proclamations recognizing the 100th anniversary of Rotary International. (160.40)

Mayor's Award - Mayor Jill Hardy called on Planning Director Howard Zelefsky who presented the Mayor's Award to Code Enforcement Officer Nancy Blacksher. Nancy was recognized for her dedication to the community and her efforts towards enhancing the aesthetics of the City. Also cited were the many positive qualities attributed to her by her coworkers. (160.40)

Public Comments

Scott Jones voiced his concerns about graffiti, thanking Council for its efforts towards maintaining the beauty of the City. He presented a slide show depicting graffiti damage throughout the City, a copy of which is available in the City Clerk's Office. Mr. Jones encouraged Council to take action to eliminate the problem.

Councilmember Debbie Cook asked Acting Public Works Director Paul Emery to respond to the previous speaker's concerns. Director Emery informed of the city painter who remedies graffiti damage and announced the number to call to report the damage, 714-960-8861. He noted that response time is typically within 24 hours for damage to public property. Mr. Emery stated that damage to utility boxes can also be reported to this number and the City will notify the utility company; damage to private property should be reported to Code Enforcement.

Steve Stafford spoke regarding a subpoena for records, his public records requests, and park, tree and landscape permits. Mr. Stafford alleged the withholding of public documents and potential obstruction of justice.

Wendy Mello spoke on behalf of families who are upset that their children received applications for the Surf City Visa Card. Ms. Mello also communicated her concern regarding the Huntington Beach Youth Shelter closure in relation to her experience with a teenage runaway.

Norm "Firecracker" Westwell declared his opposition to agenda items concerning a moratorium on marijuana dispensaries and recreational vehicle (RV) parking. He thanked Councilmember Cook for voting against the 45-day moratorium, and compared and contrasted prescription medical marijuana to cigarettes or alcohol. He encouraged Council to end the moratorium. Mr. Westwell also spoke regarding the proposed RV parking ordinance, stating that less than four residents per day complain about RV parking and increased restrictions are unnecessary.

Jean Polkow, 30-year resident and RV owner, asked Council to deny approval of the proposed RV parking ordinance. She reported on municipal codes in other cities and state automobile classifications. Ms. Polkow suggested Huntington Beach be the leader rather than a follower. She asked for protection for what she referred to as a minority group, RV owners.

Bob Polkow referred to written communications he had submitted to Council and asked that Council enforce the California Vehicle Code rather than creating more legislation.

Joe Tuso, Assistant Wagonmaster for the Huntington Beach Sons of the Beaches Camping Club, stated his opinion that resident motor home owners are not the problem. He voiced his concern with restrictions on the amount of time given to prepare and unload after a trip. Mr. Tuso asked the City Council to consider giving senior citizens, the handicapped, and others adequate time to secure their RVs for trips.

Rolland Boepple thanked Council and staff for the time and effort they allotted towards resolving the RV parking issue. He spoke regarding unexpected weather and traffic and impacts on travel schedules. Mr. Boepple asked for the ability to phone in with short notice requests to get a permit and suggested that basic permits be valid for 48 hours.

Peter Petrelis, Chairman of the Huntington Beach Recreational Vehicle Owners Committee and 39-year resident, declared the proposed eight day permit maximum very stringent. He urged Council to increase the number of permit days to sixteen and asked for verbiage in the ordinance to allow for contiguous use of the permits.

Gerald A. Jones, affiliated with the Huntington Beach Elk Camper Club, concurred with the comments of the prior speakers and asked for 72 hours to prepare his RV for a trip. Mr. Jones stated his opinion that eight 24-hour periods in a month is inadequate.

Dick Lenell, affiliated with the Huntington Beach Recreational Vehicle Owners Group, vocalized his opinion that the goal of the revised RV parking ordinance is to remove RVs from City streets for aesthetic reasons. Mr. Lenell spoke regarding non-resident RVs, the protection of minority rights, and the importance of tolerance.

Michael Cohen, 24-year resident and RV owner, spoke about the requirements for setting up his RV for travel. He expressed his opinion that eight permit days per month are unacceptable and urged Council to amend the wording of the ordinance to allow sixteen days.

Jack Redman, 27-year resident, urged Council not to pass the proposed RV ordinance since it would cause a lifestyle change for many. Mr. Redman opined that the current system works and needs no changes.

Rosanna Starr spoke regarding her medical condition and why the daily use of her RV is necessary for both work and home use.

G. Ronald Starr spoke regarding RV parking complaints and parking tickets. He referred to the lack of RV parking restrictions in Northridge and the value of RVs in earthquake and other emergency situations. Mr. Starr noted many young families use RVs as well.

Councilmember Debbie Cook announced exceptions to the proposed RV parking ordinance for medical needs and daily use.

Ray Bishop, 40-year resident and RV owner, spoke about use of RVs for work, pleasure and community service. He informed Council of trips he'd taken with children's groups and others when the use of refrigeration and facilities in the RV were necessary. Mr. Bishop voiced his opinion that eight permit days per month are inadequate and that he agrees with sixteen days per month.

Judith Lewis, 20-year resident, stated that a minimum of 48 to 72 hours is needed to set up her RV for a trip. Ms. Lewis spoke of Huntington Beach as a tourist destination and the need for the City to remain RV-friendly.

Gary Jasco, Huntington Beach property owner for 30 years, asked Council to amend the proposed ordinance to sixteen days to allow for visitors. Mr. Jasco also stated that he requires three days on either side of a trip to set up and unload his RV.

Don Pico, 40-year resident, announced his opposition to the proposed changes to RV parking. He stated his opinion that the size restrictions should not be changed.

Sander Gelfand, 24-year resident and RV owner, concurred with the prior speakers and voiced his opinion that the RV parking issue is a minor problem that should not require changes. Mr. Gelfand further stated that residents show pride of ownership in their RVs and in the City.

David Wickersham, 46-year resident, spoke regarding his need for three days on either side of a trip to load and unload his RV. He asserted that the proposed change in length restrictions is not fair to current RV owners, and that storage space is expensive and unavailable. Mr. Wickersham proposed grandfathering the size of currently owned RVs, giving a 72-hour permit for loading/unloading, allowing sixteen permit days per month, and allowing permit changes as plans change.

Steven Martin vocalized his opposition to the proposed RV parking ordinance. He stated that he needs a couple of days to set up and unload his RV and asked Council for 72 continuous hours or sixteen permit days.

David Morse gave accolades to the Police Chief and his staff for their efforts. He voiced opposition to any new legislation and to the reduction from 25-foot RVs to 20-foot RVs in particular. Mr. Morse spoke further regarding RV use after the Northridge earthquake, effects on taxes and tourism, and recommended Council allow 25-foot RVs and 16 permit days per month.

Jeanne Nevins asked Council to remove the words "for work" from the proposed RV parking ordinance and gave examples of a grandmother using an RV daily with her grandchildren. Ms. Nevins asked Council to be fair to RV owners-residents.

William Stenart stated reasons for his opposition to the proposed RV parking ordinance including the 24-hour limit being too restrictive, the additional paperwork required of staff, and his opinion that the proposed ordinance will not resolve the issue. Mr. Stenart suggested an allowance for 72-hour permits.

Stan Kosalka, 27-year resident, announced his opposition to new parking laws and asked Council to enforce the laws currently in effect. Mr. Kosalka spoke regarding the volume of RV owners in the City and encouraged tolerance.

Steve Ray spoke of the investment people make in the RV lifestyle and the potential negative effects on tourism. Mr. Ray urged caution in increasing restrictions and asked Council not to penalize the entire RV community for the transgressions of a few.

A motion was made by Sullivan, second Coerper to move forward agenda item G-2a, Ordinance No. 3699 to after the public hearings.

Councilmember Cook suggested amending the motion to move forward agenda item G-2a to next on agenda. The maker and second to the motion accepted the amendment.

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

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Ordinance No. 3699 Approved for Introduction as Amended to Include Revision of Maximum Permit Days to 16 and to Strike "For Work" from Section 10.44.062 of the Huntington Beach Municipal Code Regulating Parking Time Limits of Oversized Vehicles, Recreational Vehicles and Detached Trailers on City Streets (560.20)

The City Council considered a communication from the Chief of Police transmitting the following **Statement of Issue:** The Police Department receives numerous calls daily from citizens regarding oversized vehicles, recreational vehicles and detached trailers parked on City streets. The general issue is the length of time that these vehicles are parked in the same location on public streets. The complaining residents believe the recreational vehicles parked on the streets negatively impact the quality of life in their neighborhoods, creates a safety hazard, are unsightly and clutter the streets.

The Municipal Code, in its present form, is not only difficult to enforce, but is also time consuming and often times does not resolve the original issue for the complaining resident. This is discouraging for the resident and leaves them believing the Police Department is not adequately responding to their requests in a timely manner. The vagueness of certain aspects of the code results in numerous traffic hearings for those who wish to challenge the citations. The combination of these issues taxes the resources of the Police Department and reduces the time available to focus on other problem areas in the city.

Police Chief Ken Small presented a PowerPoint report titled *Recreational Vehicle Parking City Council Meeting February 22, 2005,* which was updated by a Late Communication and included in the agenda packet.

The City Council considered two communications in opposition to the revised ordinance which were included in the agenda packet.

Discussion ensued among Council and staff regarding lengths of RVs, safety factors, overnight parking definitions, permitting, daily use, and the definition of "reasonable proximity." A suggestion was made, but not enacted, to consider taking straw votes.

A motion was made by Hansen, second Coerper to approve for introduction as amended **Ordinance No. 3699** – "*An Ordinance of the City of Huntington Beach Amending Chapter 10.44 of the Huntington Beach Municipal Code Relating to Oversized Vehicle Parking,*" **amended** to strike the words "for work" from section 10.44.062 and to revise the maximum number of permit days to sixteen. (Vote to follow)

Mayor Pro Tem Dave Sullivan and Councilmembers Keith Bohr and Cathy Green stated reasons for their opposition to the motion at hand.

Councilmember Cook suggested amendments concerning overnight parking definitions and a maximum on the number of continuous days permits may be used. The maker and the second to the motion declined the suggested amendments.

After the City Clerk read by title, the motion to approve for introduction Ordinance No. 3699, **as amended** carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Cook
NOES: Sullivan, Green, Bohr
ABSENT: None

(City Council) Continued from February 7, 2005 Council Meeting - Councilmember Don Hansen Announced Bob Glass as His Individual Appointment to the Investment Advisory Board (110.20)

Councilmember Hansen announced his appointment of Bob Glass to the Investment Advisory Board. Mr. Glass is a current Investment Advisory Board member.

(City Administrator's Report) Recognized the Finance Board's Accomplishments Relative to the Grants Locator Service, Noted City Staff Efforts in Storm Damage Control and Thanked Mayor Pro Tem Sullivan for Efforts (160.10)

City Administrator Penny Culbreth-Graft recognized the accomplishments of the Finance Board in bringing the agenda item relating to a grants locator service to Council. She also spoke regarding the availability of City staff over the holiday weekend for storm damage control and repairs. Forty

Public Works employees reported to work Presidents' Day weekend. Administrator Culbreth-Graft thanked Mayor Pro Tem Sullivan for taking steps to correct a misleading news report.

(City Administrator's Report) Received and Filed Information on Membership in the Orange County Division of the League of California Cities and Authorized City Administrator to Pay Dues (150.40)

The City Council considered a communication submitted by the City Administrator transmitting the following **Statement of Issue:** At the City Council meeting of February 7, staff was asked to outline the benefits the city receives from maintaining membership in the Orange County Division of the League of California Cities (the Division).

City Administrator Culbreth-Graft orally reported, referring to documents titled *C-Item: Membership in the Orange County Division of the League of California Cities* and *The Division's Annual Report* which were included in the agenda packet.

Council discussion followed relative to former League leadership, availability of audit results and reasons for delaying dues payment.

A motion was made by Coerper, second Cook to receive and file information on membership in the Orange County Division of the League of California Cities and to authorize the City Administrator to pay the dues. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Bohr, Cook
NOES: Green
ABSENT: None

(City Council) Public Hearing Held (Re-Advertised and Re-Scheduled to February 22, 2005 from February 7, 2005) – Denied Approval of Negative Declaration No. 04-02 with Findings and Denied Adoption of Resolution No. 2005-10 General Plan Amendment No. 04-02 Amending the General Plan Land Use for Three Existing Residential Areas along Beach Boulevard (Beach Boulevard Residential) (440.50)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Public Hearing for the purpose of considering amending the General Plan land use designation to match the current zoning designation for three existing residential areas along Beach Boulevard.

Applicant: City of Huntington Beach

Property Owner: Various

Request: Negative Declaration (ND): To analyze the potential environmental impacts associated with the implementation of the proposed project.

General Plan Amendment (GPA): To amend the General Plan land use designation to match the current zoning designation for three areas along Beach Boulevard as follows:

Area A – Amend from CG-F2-a-d (Commercial General – Maximum Floor-Area-Ratio of 0.50 – Auto District Overlay – Design Overlay) to RMH-25 (Residential Medium High Density – Maximum 25 Dwelling Units Per Net Acre) or RM-15 (Residential Medium Density – Maximum 15 Dwelling Units Per Net Acre) for properties along portions of Stark Ave., Holt Ave., MacDonald Ave., Glencoe Ave., and Alhambra Ave., west of Beach Blvd.
Area B – Amend from CG-F2-a-d (Commercial General – Maximum Floor-Area-Ratio of 0.50 – Auto District Overlay – Design Overlay) to RM-15 (Residential Medium Density – Maximum 15 Dwelling Units Per Net Acre) for properties south of Terry Drive, east of Viewpoint Lane, and along Moonshadow Circle.
Area C – Amend from CG-F2-a-d (Commercial General – Maximum Floor-Area-Ratio of 0.50 – Auto District Overlay – Design Overlay) to RM-15 (Residential Medium Density – Maximum 15 Dwelling Units Per Net Acre) for properties along portions of A Street and B Street, south of Warner Ave. and north of Blaylock Drive.

Notice is hereby given that the initial environmental assessment for this item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item would not have any significant environmental effect and, therefore, a negative declaration is warranted. Negative Declaration No. 04-02 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and are available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

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

Associate Planner Ricky Ramos presented a PowerPoint report titled *Negative Declaration No. 04-02 General Plan Amendment No. 04-02 (Beach Blvd. Residential)*, which was included in the agenda packet.

Councilmembers made several inquiries of staff relating to new developments, renovations of existing developments, the extent of the zone in question, and the direction in which the City is moving with these amendments. Staff responded to these inquiries.

Mayor Hardy declared the public hearing open.

Thiet Nguyen, resident since 1981, stated that he owns property in Area B and that his property provides him with retirement income. Mr. Nguyen requested that the zoning in the area remain residential.

Steve Ray, speaking on behalf of the Planning Commission, cited the reasons why the Planning Commission supports approval of this item as recommended.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Bohr and Mayor Pro Tem Sullivan stated reasons for opposition to the recommended action. Councilmembers Cook, Hansen and Green concurred.

Planning Director Howard Zelefsky spoke regarding the history of this topic and the dilemma for current property owners.

Discussion ensued regarding the City's goals for future land use, transit considerations, community-driven interests, and possible mixed-use designations.

A motion was made by Sullivan, second Coerper to deny Negative Declaration No. 04-02 and General Plan Amendment No. 04-02 and to direct staff to match zoning and General Plan Land Use to "Commercial."

Councilmember Bohr suggested amending the motion to deny Negative Declaration No. 04-02 and General Plan Amendment No. 04-02 and to instead direct staff to return with a citywide solution for addressing zoning inconsistencies. The maker and the second to the motion agreed to the amendment.

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

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Continued to March 7, 2005 - Public Hearing to Consider Appeal Filed by Applicant Mike Padian, Padian Team Consulting, of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 - Good Shepherd Cemetery, 8301 Talbert Avenue (N/E Corner of Beach Boulevard and Talbert Avenue) (420.40)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Public Hearing to consider appeal of the Planning Commission's Approval of Mitigated Negative Declaration No. 03-08 (Good Shepherd Cemetery).

Appellant/Applicant: Mike Padian

Request: To analyze the potential environmental impacts associated with a proposed expansion of Good Shepherd Cemetery. The expansion includes three phases of construction over a seven to ten year period. The proposed improvements consist of an 85,000 square foot three-story mausoleum, a 10,000 square foot maintenance facility, one-story garden crypt buildings totaling 100,000 square feet, and construction of approximately 1,850 lineal feet of perimeter fencing.

Location: 8301 Talbert Avenue (northeast corner of Beach Blvd. and Talbert Ave.)

Environmental Status: Notice is hereby given that the initial environmental assessment for this item was processed and completed in accordance with the California Environmental Quality Act. It was determined that this item, with mitigation, would not have any significant environmental effects and that a mitigated negative declaration is warranted. Mitigated Negative Declaration No. 03-08 is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

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

City Clerk Joan L. Flynn restated for the record a Late Communication pertaining to this item:

Communication submitted by Doug Fisher, Assistant to Joe Novoa, Director of Construction Management Services for the Diocese of Orange dated February 22, 2005 titled *Negative Declaration City Council Appeal; Good Shepherd Cemetery.*

A motion was made by Hardy, second Green to continue this item to the March 7, 2005 meeting. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Public Hearing Held – Approved Introduction of Ordinance No. 3701 Granting a Water Pipeline Franchise to Southern California Water Company Pursuant to Resolution of Intention No. 2005-7 Adopted on January 18, 2005 – Directed Staff to return with the Agreement Regarding Construction of a Water Pipeline on March 7, 2005 (600.45)

Mayor Hardy announced that this was the time noticed for a public hearing to consider the following:

Notice is hereby given that on January 18, 2005, the City Council of the City of Huntington Beach adopted a Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention To Grant a Water Pipeline Franchise to Southern California Water Company." The City Council of the City of Huntington Beach hereby gives notice as follows:

On Tuesday, February 22, 2005, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2000 Main Street, Huntington Beach, California, the City Council will conduct a public hearing on whether to adopt "An Ordinance Of The City Council Of The City Of Huntington Beach Granting A Pipeline Franchise For Transmitting Water In, Under, Along And Across Streets In The City Of Huntington Beach," If adopted, this ordinance will grant Southern California Water Company a water pipeline franchise to provide water service to the Bolsa Chica Mesa, pursuant to Decision No. 00-10-029 of the California Public Utilities Commission. If granted, the franchise will terminate in fifteen (15) years, and provides that Southern California Water Company will pay to the City of Huntington Beach an annual fee consistent with Section 6231(c) of the California Public Utilities Code, as amended from time to time, and that, in the event such payment is not made, the franchise may be forfeited.

At the above-mentioned time and place any person interested will be heard on the proposed ordinance. A copy of the proposed ordinance is on file in the City Clerk's office. Any questions on the proposed ordinance may be directed to Scott Field, Assistant City Attorney, (714) 536-5555.

Any person may make written protest stating objections against granting the franchise by delivering the written protest signed by the protestant to the City Clerk at a time not later than 3:00 p.m. on February 22, 2005.

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

City Attorney McGrath reported orally.

Mayor Hardy declared the public hearing open.

City Clerk Joan L. Flynn restated for the record the following Late Communication pertaining to this public hearing:

Communication submitted by Jennifer McGrath, City Attorney dated February 17, 2005 titled *Late Communication - Item D-3 On February 22, 2005 City Council Agenda Regarding Granting Pipeline Franchise To Southern California Water Company and Related Construction Agreement.*

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

Council discussion followed regarding the Construction Agreement and the Arbitrator.

After the City Clerk read by title, a motion was made by Sullivan, second Bohr, to approve for Introduction **Ordinance No. 3701** – *"An Ordinance of the City Council of the City of Huntington Beach Granting a Pipeline Franchise for Transmitting Water In, Under, Along and Across Streets, in the City of Huntington Beach"* **and** to direct staff to return with the agreement and the name of the arbitrator at the March 7, 2005 meeting. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority

(City Council) City Clerk's Report Listing Professional Services Agreements Filed in the City Clerk's Office Between August 1, 2004 through December 31, 2004

(City Council) Staff to Subscribe to the eCivis Grants Locator Service and Appropriation to Cover the Cost of the Service for One Year

(City Council) Community Services Department's 2005 Project Self-Sufficiency (PSS) Action Plan

(City Council) Termination of Volunteers of America Lease of Huntington Youth Shelter for Cause and Staff to Solicit Proposals from Nonprofit Agencies to Reopen and Operate the Shelter

(City Council) Concept of Inflatable, Acoustic Shell for the Huntington Central Park Bandstand

(City Council/Redevelopment Agency) Modifications to the City's 2004-05 Budget, Agency Resolution No. 355 Electing to Remit to the City Transient Occupancy Tax (TOT) Revenues for the Hyatt Regency Huntington Beach Allocated to the Redevelopment Agency and Modifications to the Redevelopment Agency 2004-05 Budget

(City Council) Resolution No. 2005-13 Requesting the Orange County Board of Supervisors to Designate All City of Huntington Beach Municipal Fire Stations as "Safe-Surrender" Sites for Newborns

(City Council) Grant Funds from the California State Department of Conservation for Recycling and Recycling Education Programs

Consent Calendar – Items Approved

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

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Received and Filed the City Clerk's Annual Passport Acceptance Facility Report for Calendar Year 2004 (100.30) Received and filed the Annual Passport Acceptance Facility Report for calendar year 2004, as prepared and submitted by the Office of the City Clerk. Funding Source: Not applicable.

(City Council) Approved Amendments to Agreements for Deferred Compensation Plans (ICMA Retirement Corporation and Nationwide Retirement Solutions) (600.10) – Approved the amendments to the Administrative Services Agreements with the ICMA Retirement Corporation for Plans numbered 107578 (401a for City Administrator), 107694 (401a for appointed Department Directors), 107695 (401a for elected Department Directors) and 301516 (457 Deferred Compensation Plan). Approved the Amendment to the 457 Deferred Compensation Plan Administration Agreement with Nationwide Retirement Solutions to reduce plan administration fees by fund, as identified. This last amendment was inadvertently omitted from the agenda, but was included in the staff report. Submitted by Acting Assistant City Administrator. Funding Source: Not applicable.

(City Council) Accepted Bid and Awarded Construction Contract to Gantry Constructors, Inc. for the Sewer Lift Station "D"; CC-1182 – Authorized Construction Change Order Expenditures (600.60) – **1.** Accepted the lowest responsive and responsible bid submitted by Gantry Constructors, Inc. in the amount of $4,142,900 for Sewer Lift Station "D" Improvements, CC-1182; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the sample contract attached: and **3.** Authorized the Director of Public Works to expend up to fifteen percent (15%) in construction change orders. Submitted by the Acting Public Work Director. Funding Source: Funds are budgeted in the Sewer Service Fund, Lift Stations, Sewer Improvements 51189001.82600. Funding for this project includes Sewer Service Charge User Fees and an EPA grant of $873,000. The engineer's cost estimate for this project was $4,764,000.

(City Council) Adopted Resolution No. 2005-14 Finding and Declaring Weeds and Rubbish a Public Nuisance and Fixing the Council Meeting of April 18, 2005 as the Administrative Public Hearing Date for Protests and Objections to the Abatement Thereof (520.80) - Adopted **Resolution No. 2005- 14** - *"A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof"* for the **April 18, 2005** Council Meeting. Submitted by the Acting Public Works Director. Funding Source: No funds are required at this time.

(City Council) Accepted State of California Homeland Security Grant between the City and the City of Santa Ana for Urban Areas Security Initiatives (UASI) and Approved Funding for Training (340.80) – **1.** Accepted the Urban Area Security Initiative Grant between the City of Santa Ana and the City of Huntington Beach for funding cycle year 2004/2005; and **2.** Authorized the Chief of Police and the Fire Chief to expend funds to cover the overtime costs for training their respective personnel; and **3.** Established one new fund to track the costs and two business units in the Police and Fire Departments; and **4.** Authorized the Mayor and City Administrator to execute the agreement; and **5.** Approved the appropriation of $50,251 to be reimbursed by the grant from the State of California Department of Homeland Security through the City of Santa Ana. Submitted by the Chief of Police and the Fire Chief. Funding Source: Funds, estimated to be $50,251, will be fully reimbursed by the grant from the State of California Department of Homeland Security. No other matching or in-kind City funds are required for this grant.

(City Council) Approved Amendment of Employment Agreement with Robert F. Beardsley (600.10) – Approved an amendment to the June 29, 1998 employment contract between the City and Robert F. Beardsley. Submitted by the City Administrator. Funding Source: Not applicable.

(City Council) Deferred to March 7, 2005 - Adoption of Automatic Aid Agreement for Exchange of Fire, Rescue, and Emergency Medical Services with the Orange County Fire Authority (600.25)

The City Council considered a communication from the Fire Chief transmitting the following **Statement of Issue:** The attached agreement with the City of Huntington Beach and the Orange County Fire Authority for the exchange of fire, rescue, and emergency medical services is proposed for adoption.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to express concerns about the expense required to assist Sunset Beach. Fire Chief Duane Olsen orally reported and responded to Council inquiries.

A motion was made by Sullivan, second Hansen to defer action on this item to the March 7, 2005 meeting. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Bohr, Cook
NOES: Green
ABSENT: None

(City Council) Received and Filed City Clerk's Report as Amended Listing Professional Services Agreements Filed in the City Clerk's Office Between August 1, 2004 through December 31, 2004 (100.30)

The City Council considered a communication from the City Clerk transmitting the following **Statement of Issue:** The listed agreements are no longer presented to the City Council but are entered into between city departments and consultants pursuant to the Huntington Beach Municipal Code. Funds are in the city budget. These agreements have been transmitted to the City Clerk for official filing and the public record.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to ask for clarification on the Professional Services Agreement (PSA) with Barr & Clark Environmental, Inc. and commented on the stated purpose of the Best Best & Krieger agreement. Economic Development Director David Biggs responded.

Mayor Hardy inquired about the date of the Hennessey Group PSA. City Clerk Flynn replied, and announced a clerical error on the chart for Jenkins & Hogin, LLP. The funding box on the chart for this agreement should be blank.

A motion was made by Sullivan, second Hardy to receive and file the *List of Professional Services Contracts Approved by Department Heads Pursuant to Huntington Beach Municipal Code Chapter 3.03 and submitted to the City Clerk's Office for the period August 1, 2004 through December 31, 2004* **as amended** to correct clerical error noted above. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Authorized Staff to Subscribe to the eCivis Grants Locator Service, Approved Appropriation to Cover the Cost of the Service for One Year, and Directed Staff to Return Within 13 Months with Cost/Benefit Analysis (600.10)

The City Council considered a communication from the City Administrator transmitting the following **Statement of Issue:** Authorize subscribing to eCivis Grant Service and approve an appropriation to cover the cost of the service for one year.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar in order to **amend** by adding No. 3 to the recommended action.

A motion was made by Sullivan, second Bohr to **1.** Authorize staff to subscribe for one year to the eCivis Grants Locator Service; and **2.** Approve an appropriation from the unexpended General Fund Budget of $21,250 to cover the cost of the one-year subscription. and **3. Direct staff to return within 13 months with the number of increase in grants and a cost/benefit analysis.** The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved the Community Services Department's 2005 Project Self-Sufficiency (PSS) Action Plan (570.50)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** The Project Self-Sufficiency (PSS) Program, coordinated by the Community Services Department, requires annual City Council approval of its Action Plan describing the mission, goals, and objectives.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to thank Susan Edwards, staff, and board members for their efforts.

A motion was made by Bohr, second Cook to approve the Community Services Department's *Huntington Beach Project Self-Sufficiency Action Plan 2005.* The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved Termination of Volunteers of America Lease of Huntington Youth Shelter for Cause and Directed Staff to Solicit Proposals from Nonprofit Agencies to Reopen and Operate the Shelter (280.10)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** There is a need to terminate the Volunteers of America lease of the Huntington Youth Shelter due to noncompliance.

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to ask for further clarification of the lease terms. Police Chief Ken Small reported on the situation and community concerns. City Attorney Jennifer McGrath responded relative to the lease termination. Community Services Director Jim Engle reported on the status of the disposition of furniture and equipment.

A motion was made by Coerper, second Cook to **1.** Approve the termination of the Volunteers of America lease of the Huntington Youth Shelter for cause; and **2.** Direct staff to solicit proposals from nonprofit agencies to reopen and operate the Huntington Youth Shelter. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Approved Concept of Inflatable, Acoustic Shell for the Huntington Central Park Bandstand (160.40)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** The Rotary Club of Huntington Beach has approached the city with a fundraising proposal to purchase and donate to the city a portable, inflatable, acoustic shell for the bandstand in Huntington Central Park.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to ask for clarification on funding. Community Services Director Engle responded.

A motion was made by Sullivan, second Green to approve the donation of a portable and inflatable acoustic shell at the Huntington Central Park Bandstand. Funds for said band shell are to be raised through a donation program spearheaded by the Rotary Club of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Approved Modifications to the City's 2004-05 Budget, Adopted Agency Resolution No. 355 Electing to Remit to the City Transient Occupancy Tax (TOT) Revenues for the Hyatt Regency Huntington Beach Allocated to the Redevelopment Agency and Approved Modifications as Amended to the Redevelopment Agency 2004-05 Budget (340.55)

The City Council considered a communication from the Economic Development/Deputy Executive Director and the Finance Officer transmitting the following **Statement of Issue:** Should the Redevelopment Agency's share of transient occupancy taxes from the Hyatt Regency be remitted to the City's General Fund commencing as of the current fiscal year with the Redevelopment Agency's debt repayment to the General Fund reduced by the same amount?

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to clarify the inclusion of a Late Communication amendment with revised numbers.

A motion was made by Sullivan, second Coerper to **City Council Action**: **1**. Approve the following modifications to the City's 2004-05 Budget: Increase the amount of Transient Occupancy Tax revenue budgeted by $1,800,000; and Decrease the Debt Payment Transfer In by $1,800,000. **Redevelopment Agency Actions: 1.** Adopt Agency **Resolution No. 355** – *"A Resolution of the Redevelopment Agency of the City of Huntington Beach Electing to Remit to the City of Huntington Beach Transient Occupancy Tax Revenues for the Hyatt Regency Huntington Beach Allocated to the Redevelopment Agency Pursuant to Redevelopment Agency Ordinances Nos. 1 and 2;"* and **2.** Approve the following modifications to the Redevelopment Agency 2004-05 Budget **as amended** by Late Communication: **Eliminate Transient Occupancy Tax revenue in the amount of $1,219,800**; and Decrease the debt repayment to the General Fund by $1,800,000, from $4,295,000 to $2,495,000. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Resolution No. 2005-13 Requesting the Orange County Board of Supervisors to Designate All City of Huntington Beach Municipal Fire Stations as "Safe-Surrender" Sites for Newborns (510.10)

The City Council considered a communication from the Fire Chief transmitting the following **Statement of Issue:** This resolution designating all Huntington Beach fire stations as "safe-surrender" sites for newborns is being proposed for adoption. Funding Source: None required.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to highlight the concern for babies.

Councilmember Green gave a description of the services provided by a "safe surrender" site.

A motion was made by Sullivan, second Green to adopt **Resolution No. 2005-13** – *"A Resolution of the City Council of the City of Huntington Beach Requesting the Orange County Board of Supervisors to Designate All City of Huntington Beach Municipal Fire Stations as "Safe-Surrender Sites" for Newborns."* The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Appropriated Grant Funds from the California State Department of Conservation for Recycling and Recycling Education Programs (810.60)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** The City is the recipient of a grant from the California Department of Conservation that requires the City to implement soda bottle and can recycling, recycling education, and recycled product purchasing programs.

Mayor Pro Tem Sullivan had requested that this agenda item be removed from the Consent Calendar, however due to the lateness of the hour, he declined to comment.

A motion was made by Sullivan, second Coerper to appropriate grant funds in the amount of $54,657 to the Refuse Education Fund budget. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

Since the time had reached 11:00 p.m. and per Resolution 2004-95 no meeting shall continue beyond 11:00 p.m. without a majority vote of the City Council, a motion was made by Green, second Coerper to continue with the meeting and complete the agenda. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Ordinance No. 3695 Amending Chapters 13.54 and 12.32 of the Municipal Code Relating to the 4th of July Parade Viewing (960.30)

Mayor Hardy stated her opposition based on the 7:00 a.m. reserve start time. She reported on concerns raised by some Main Street residents and voiced her opinion that a 9:00 p.m. reserve start time makes more sense.

After the City Clerk read by title, a motion was made by Sullivan, second Green to adopt **Ordinance No. 3695** – *"An Ordinance of the City of Huntington Beach Amending Chapters 13.54 and 12.32 of the Huntington Beach Municipal Code Relating to 4th of July Parade Viewing."* (Approved for introduction as amended February 7, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green, Bohr, Cook
NOES: Hardy
ABSENT: None

(City Council) Adopted Ordinance No.3696 Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to the Killing or Maiming of Wild Birds (520.15)

After the City Clerk read by title, a motion was made by Sullivan, second Coerper to adopt **Ordinance No. 3696** – *"An Ordinance of the City of Huntington Beach Amending Chapter 7.12 of the Huntington Beach Municipal Code Relating to the Killing or Maiming of Wild Birds."* (Approved for introduction February 7, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Ordinance No.3698 Amending Ordinance No. 3117 and Modifying the Franchise Agreement between the City and the Southern California Gas Company (Sempra Energy Corporation) Relative to Lay and Use of Pipes and Appurtenances for Transmitting, Distributing and Measuring Gas for Any and All Purposes (600.45)

After the City Clerk read by title, a motion was made by Coerper, second Sullivan to adopt **Ordinance No. 3698** – *"An Ordinance of the City of Huntington Beach Amending Ordinance No. 3117 which Granted to Southern California Gas Company the Franchise to Lay and Use Pipes and Appurtenances for Transmitting, Distributing and Measuring Gas for Any and All Purposes."* (Approved for Introduction February 7, 2005.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

(City Council) Adopted Interim Ordinance No. 3700 as Amended Imposing a 30-Day Moratorium on Permit Issuance to Medical Marijuana Dispensaries (570.10)

The City Council considered a communication from the City Attorney, the Police Chief and the Planning Director transmitting the following **Statement of Issue:** Should the City adopt an initial 45-day moratorium on medical marijuana dispensaries?

Police Chief Ken Small presented a PowerPoint report titled *Medical Marijuana Dispensaries*, which was submitted as a Late Communication and announced earlier by the City Clerk. Chief Small recommended pursuing an ordinance that addresses businesses that cause adverse impacts.

Discussion followed relative to the length of time necessary to study and change zoning, the process followed, and how changing the process effects the time needed, the types of areas appropriate for a dispensary, and the lack of safety regulations and Federal Drug Administration (FDA) oversight regarding this type of medicinal drug.

A motion was made by Sullivan, second Coerper to adopt **Interim Ordinance No. 3700 -** *"An Interim Ordinance of the City of Huntington Beach Imposing a Moratorium on Medical Marijuana Dispensaries"* with specific findings regarding the detriment to the public's health, safety and welfare **amended** to bypass the Planning Commission and bring an ordinance directly to Council. The motion **failed** by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green, Bohr
NOES: Hardy, Cook
ABSENT: None

A motion was made by Bohr, second Hansen to adopt **Interim Ordinance No. 3700 -** *"An Interim Ordinance of the City of Huntington Beach Imposing a Moratorium on Medical Marijuana Dispensaries"* with specific findings regarding the detriment to the public's health, safety and welfare **amended** to bypass the Planning Commission and bring an ordinance directly to Council **and** to change from a 45-day to a 30-day moratorium. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr
NOES: Cook
ABSENT: None

(City Council) Councilmember Hansen Congratulated Eagle Scout William Woods (120.85)

Councilmember Don Hansen expressed his appreciation for the invitation to the ceremony extended to Councilmember Coerper and himself and congratulated William Woods on his Eagle Scout confirmation.

(City Council) Mayor Hardy Congratulated New Miss Huntington Beach Nicole Smith and Court (120.85)

Mayor Jill Hardy congratulated the new Miss Huntington Beach, Nicole Smith and her court.

(City Council) Councilmember Coerper Announced Attendance at Senior Police Officer Mark Hanson's Funeral and Thanked Police Chief and Staff (120.85)

Councilmember Gil Coerper announced the names of some Council and staff that attended the funeral for Senior Police Officer Hanson and thanked the Police Chief, his staff, and the community for their efforts and response.

(City Council) Councilmember Green Commented on Hanson Funeral, Dedication Ceremony for Flagpole Project at the Pier (120.85)

Councilmember Cathy Green commented on Senior Police Officer Mark Hanson's funeral and also the dedication ceremony held at the pier for the flagpole project donated by American Legion 133.

(City Council) Mayor Pro Tem Sullivan Commented on Mark Hanson Funeral (120.85)

Mayor Pro Tem Dave Sullivan stated that he attended Senior Police Officer Mark Hanson's funeral and was impressed by the solidarity of the Police Department.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 12:05 a.m. to Closed Session meeting Monday, February 28, 2005, at 4:30 p.m., in the Council Chambers, 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

Special Meeting Minutes
City Council
City of Huntington Beach

Monday, February 28, 2005
4:30 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

Call to Order

Mayor Hardy called the special meeting of the City Council of the City of Huntington Beach to order at 4:30 p.m. in the Council Chambers.

City Council Meeting Roll Call

Present: Hansen, Sullivan, Hardy, Bohr, Cook
Absent: None (Coerper and Green out of the room)

The City Clerk Read Call for Special Meeting

City Clerk Joan L. Flynn read the Call for Special Meeting Notice

CALL FOR CITY COUNCIL SPECIAL MEETING

CITY OF HUNTINGTON BEACH

MONDAY, FEBRUARY 28, 2005

Jill Hardy, Mayor
Dave Sullivan, Mayor Pro-Tem
Don Hansen, Council Member
Gil Coerper; Council Member
Cathy Green, Council Member
Keith Bohr, Council Member
Debbie Cook, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the ***Civic Center Council Chambers, 2000 Main Street, Huntington Beach, CA 92648*** at the hour of ***4:30 p.m.*** on ***Monday, February 28, 2005*** in order to allow discussion of the following Closed Session agenda item:

(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: **HBFA ~~and MSOA~~.** Subject: **Labor Relations – Meet & Confer**. (120.80)

Dated: February 25, 2005

ATTEST: City Clerk

Mayor

E-1

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:30 p.m. on Sunday, February 27, 2005.

_____
Mayor

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 unanimous consent of all present, none absent.

(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: **HBFA and MSOA.** Subject: **Labor Relations – Meet & Confer**. (120.80)

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

Adjournment – City Council at 6:39 p.m.

_____
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California

ATTEST:

_____
City Clerk

_____
Mayor