

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

Monday, December 20, 2004
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A videotape of the 6:00 p.m. portion of this meeting
is on file in the Office of the City Clerk.

Call to Order

Mayor Hardy called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Hansen, Coerper, Sullivan, Hardy, Bohr, Cook
Absent: Green

Public Comments

John Von Holle, President of the Municipal Employees Association (MEA), encouraged Council to support the Municipal Employees Association proposal that has been submitted for discussion during closed session.

Russell Reinhart, President of the Huntington Beach Police Officers Association (HBPOA), encouraged Council to support the HBPOA proposal that has been submitted for discussion during closed session.

The City Clerk Announced A Late Communication

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced a Late Communication regarding an agenda item that had been received by her office following distribution of the agenda packet:

Communication submitted by the City Treasurer updating pages 5 and 6 of PowerPoint titled *Joint Study Session IAB/City Council* that was included in the agenda packet.

(City Council/Redevelopment Agency) Study Session No. 1 – Presentation Made by the Fire Department Regarding Ambulance Showcase (510.10)

Fire Chief Duane Olson displayed three ambulances and informed Council of the differences between the van, van-modular and truck modular. Chief Olson stated that the truck modular provides superior patient care, better maintenance factor, smoother ride, and has a longer lifespan.

(City Council) Study Session No. 2 - Joint Study Session Held between the City Council and the Investment Advisory Board (IAB) – Annual Report on Investments to the City Council (October 1, 2003 to September 30, 2004) (110.10)

Investment Advisory Board Roll Call

Present: Bob Glass, Chair; Joe Foye; Edward Kerins; Diann Shelton; James Steinkirchner
(Foye arrived at 4:28 p.m., Glass arrived at 4:35 p.m.)
Absent: Paul Arms, Ed Bush

Members of the Investment Advisory Board (IAB) introduced themselves and expressed to Council how fortunate our City is to have such a wonderful City Treasurer.

City Treasurer Shari Freidenrich thanked the entire membership of the IAB for their support and hard work regarding this very important function.

City Treasurer Shari Freidenrich, Chair Bob Glass, and Morgan Stanley Dean Witter Broker Bonnie Schumacher presented a PowerPoint slide show, titled *Joint Study Session IAB/City Council*, which was included in the agenda packet. Ms. Freidenrich informed Council that the PowerPoint was revised per a Late Communication that was announced earlier by the City Clerk.

Motion to Recess to Closed Session – Approved

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

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

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated**. Subject: **Labor Relations – Meet & Confer**. (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 6:19 P.M. – Council Chambers.

Pledge of Allegiance – Led by Mayor Jill Hardy

Invocation – Mayor Jill Hardy requested a moment of silence

Presentation made by Judge Rick King of the Orange County Superior Court regarding the Orange County Grand Jury and announcement of the need for members. Judge King explained the role of a Grand Juror and urged interested persons to call (714) 834-6747. (160.40)

Presentation made by Mayor Jill Hardy, joined by Police Chief Ken Small, who presented the Mayor's Award to Detective Cathy Meza, an outstanding individual in the Police Department. (160.40)

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.

City Council/Redevelopment Agency Roll Call

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

(City Council) Item Deferred to the January 3, 2005 Council Meeting to Have Staff Revise the Proposed Ordinance to More Accurately Reflect Council's Direction - Zoning Text Amendment No. 03-01 with Findings for Approval - Ordinance No. 3692 Amending Chapters 203 and 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Relating to Definitions, and Fencing and Yards - Continued from Public Hearing at the November 15, 2004 Meeting (450.20)

A motion was made by Hardy, second Cook to defer Item G-2c regarding Zoning Text Amendment No. 03-01 (through lots) and proposed Ordinance No. 3692 to the January 3, 2005 Council Meeting and to have staff revise the proposed ordinance to more accurately reflect Council's direction. The motion carried by the following roll call vote:

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

Mayor Pro Tem Dave Sullivan dedicated this Council Meeting in Memory of Former Chamber of Commerce member Lynn Fillman, and Councilmember Cathy Green's mother, both of whom have recently passed away.

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 the City Treasurer updating pages 5 and 6 of PowerPoint titled *Joint Study Session IAB/City Council* that was included in the agenda packet.

Communication submitted by Thomas Kiesewetter dated December 16, 2004 titled *Zoning Text Amendment* requesting Council follow the Planning Department's original findings that the ZTA is inconsistent with the Master Plan.

Communication submitted by Harsha & Jay Sheth dated December 17, 2004 in opposition to the proposed through lot amendment.

Communication submitted by David Lake dated December 17, 2004 stating his concern over citizen actions that have taken place and urging Council to find a solution that is fair regarding the slope/wall issue.

The Following Additional Late Communications Were Submitted During the Meeting:

Communications submitted by Shirley Doo dated December 20, 2004 includes the hardcopy of the PowerPoint presented during Public Comments, a transcript of the Declaration of Restrictions for Huntington Harbour, Book 6410, Page 208, Unit No. 4 dated January 28, 1963, a copy of the Declaration of Restrictions for Huntington Harbour Unit No. 4, Tract No. 4880 dated January 28, 1963, pictures depicting various fence and landscape design in her general residence area, and copies of various correspondence related to approval of her design plan for her property.

Public Comments

Gerald Chapman of the Bolsa Chica Land Trust presented to Council and staff the *2005 Wings Over Bolsa Calendar*. He announced the telephone number to get information regarding purchasing a Calendar is (714) 846-1001.

Steve Stafford spoke about his continuing concerns related to health and safety regarding his residence.

Clint Orr, spoke in favor of building a new Surf Museum at 2nd Street and Pacific Coast Highway with the hopes of ground breaking on January 1, 2008. He also mentioned several fund raising events where the proceeds will go towards this proposed Museum, including CD sales and a movie that is to be released in the spring of 2005. Mr. Orr announced that further information is available at www.hb04.com.

Doug Traub, President of the Huntington Beach Conference and Visitors Bureau and Co-Chair of the Orange County Tourism Bureau, spoke in support of adopting the proposed Resolution that supports the City of Anaheim in their efforts to keep the name "Anaheim Angels."

Norm "Firecracker" Westwell spoke in favor of the City Council Meeting beginning at 6:00 PM. He also spoke in opposition of the agenda item regarding political signs stating his opinion that political signs could be the only method of reaching the community and reducing days signs can be posted would have a direct impact on candidates who have limited funds.

Jean Nagy, a Gilbert Island resident spoke in opposition to proposed Ordinance No. 3692. She appealed to Council to permit her to utilize her property as she and her husband see fit. Ms. Nagy displayed pictures depicting her lot and other lots that have decks and fences.

Dora Kaikainahaole, a Gilbert Island resident spoke in opposition to proposed Ordinance No. 3692, requesting Council to consider her property rights, and her ability to build as others in her neighborhood have.

Stephen Sawyer, a Gilbert Island resident spoke to the proposed Ordinance No. 3692. He commented that he has read through various documents regarding this issue, and urges council to refer to, and consider, the existing ordinance pertaining to through lots. Mr. Sawyer also questioned if all property owners with through lots have been advised of the proposed ordinance changes.

Randy Fuhrman requested that Council Meeting Minutes dated November 15, 2004 (noting page 10) be corrected to reflect more accurately the motion made regarding proposed Ordinance No. 3692. Mr. Fuhrman also asked that Council look to the minutes dated October 7, 2002 where the BLT brought forward this subject (items addressed in Ordinance No. 3692).

Jackie Satterthwaite, 39-year Gilbert Island resident spoke in opposition of proposed Ordinance No. 3692. She stated that her three major issues are erosion control, privacy, and "majority rules." She also spoke regarding the Planning Commission's previous recommendations regarding the issue, and suggested that Councilmember Cook recuse herself due to what Ms. Satterthwaite viewed as a conflict of interest.

Councilmember Cook referred to the City Attorney's determination that no apparent conflict of interest exists, and as such it is her duty to vote on the subject.

Art Hasegawa, spoke in opposition to the proposed through lot ordinance, stating that by not allowing residents to "build out," the Council is denying the right that property owners have to get the best value for their property.

Thomas Kiesewetter, a Gilbert Island resident spoke in opposition to proposed Ordinance No. 3692, stating that he is glad it was removed from tonight's agenda. Mr. Kiesewetter stated that in his opinion the current proposed ordinance is rushed, and not in good form. He also referenced the conformance with the Master Plan, and research done by the Planning Commission.

Shirley Doo, a Huntington Harbor resident spoke in opposition to proposed Ordinance No. 3692. She informed Council of what she has gone through to improve her property and provided a PowerPoint presentation. Ms. Doo also distributed current and proposed home improvement plans (elevations and wall detail schedules), Covenants, Conditions, and Restrictions (CC& R's) incorporated with her property title documentation, Huntington Harbour Property Owners Association (HHPOA) current CC&R's, along with correspondence from community residents in favor of her planned improvements.

Jeff Thomas, Attorney for Shirley Doo, requested that the proposed through lots Ordinance No. 3692 be withdrawn, as the current ordinance is sufficient.

Hella Tarnawski, stated that she wanted to yield her time to Shirley Doo.

Mayor Hardy informed the speaker that yielding time is not permissible. Ms. Tarnawski declined to speak further.

Bob Frishman, spoke in opposition of proposed Ordinance No. 3692. He referenced Planning Commission and staff recommendations, and urged Council to consider such recommendations.

Josh Rorem, a through lot property owner spoke in opposition of proposed Ordinance No. 3692. Mr. Rorem suggested that rather than attempting to ban walls, Council bans the ugliness of the walls by utilizing shrubs.

Adrienne Parks, spoke in opposition of proposed Ordinance No. 3692, stating her opinion that there are very few residents that agree with the proposed through lot ordinance.

Jack Crosthwait, a Gilbert Island resident spoke in opposition of proposed Ordinance No. 3692, and referred to a previously distributed petition that recommends Council accept Zoning Text Amendment 03-01 as originally proposed by the Planning Commission.

Mike Palikan, a Gilbert Island resident appealed to Council to reject proposed Ordinance No. 3692. He stated he opposes the HHPOA's tactics and their hand in attempting to pass the proposed Ordinance. Mr. Palikan urged Council to continue the item until they have had sufficient time to review both sides.

Norma Gibbs, spoke in opposition to proposed Ordinance No. 3692, as she doesn't want to see any new legislation infringing on her property rights. Ms. Gibbs stated Council should consider the Planning Commission's previous recommendations.

(City Council) Approved as Amended City Council Liaison Appointments for Citizen Boards, Commissions, Committees, and Task Forces for the Year 2005 (110.20)

The City Council considered a communication from Mayor Jill Hardy transmitting the list of recommendations of Council Liaison Assignments to Citizen Boards, Commissions, Committees, and Task Forces for 2005 titled *City of Huntington Beach 2005 City Council Liaison Assignments*. Included in the list are those external regional bodies that are appointed by the City.

There was Council discussion, after which Mayor Hardy restated the following appointments **as amended** reflecting changes made due to scheduling conflicts or other reasons:

Page 1, Item 6, Design Review Board – Cook, and Bohr;
Page 1, Item 11, Human Relation Task Force – Coerper, and Cook;
Page 3, Item 3, Citywide Water Quality Management Plan – Green, Sullivan, and Cook;
Page 3, Item 7, Intergovernmental Relations - Hardy, Coerper, and Bohr;
Page 4, Item 2, Huntington Beach Conference and Visitors Bureau - Hardy, (Sullivan Alternate);
Page 4, Item 13, Southern California Association of Governments (SCAG) District 64 Delegate - Cook

A motion was made by Coerper, second Cook to approve the listing of City Council Liaison assignments **as amended above** as designated in the list titled *City of Huntington Beach 2005 City Council Liaison Assignments* submitted with the agenda packet. 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) – Adopted Council Resolution No. 2004-96 and Agency Resolution No. 354 – Approved and Adopted the Fiscal Year 2004/2005 Statement of Investment Policy – City Treasurer (310.20)

City Treasurer Shari Freidenrich presented a PowerPoint presentation and communication informing Council/Agency that the Treasurer of the local agency shall render an Annual Statement of Investment Policy to the legislative body for acceptance. The City Treasurer, with the assistance of the Investment Advisory Board, has prepared an updated investment policy, which was included in the agenda packet.

Councilmember Hansen asked City Treasurer Freidenrich about the security of Local Agency Investment Funds (LAIF), to which she replied regarding state regulations and staff monitoring of funds.

A motion made by Coerper, second Sullivan to:

Approve and adopt **Resolution No. 2004-96** of the City Council of the City of Huntington Beach, approving the 2004/2005 Investment Policy. – *“A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2004/2005.”*

and

Approve and adopt **Resolution No. 354** of the Redevelopment Agency of the City of Huntington Beach, approving the 2004/2005 Investment Policy. – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2004/2005.”*

The motion carried by the following roll call vote:

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

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

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

City Treasurer Freidenrich gave a PowerPoint presentation titled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2004*, which was included in the agenda packet.

A motion was made by Sullivan, second Coerper to review and accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2004*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

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

Recessed City Council/Redevelopment Agency Regular Meetings**Called Annual Meeting of Huntington Beach Public Financing Authority to Order (125.35)****Roll Call of the Huntington Beach Public Financing Authority Members**

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

Election of Officers

A motion was made by Coerper, second Hansen to Elect Jill Hardy Chair of the Huntington Beach Financing Authority. The motion carried by the following roll call vote:

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

A motion was made by Coerper, second Green to Elect Dave Sullivan Vice-Chair of the Huntington Beach Financing Authority and Joan Flynn Secretary of the Huntington Beach Financing Authority. The motion carried by the following roll call vote:

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

Public Financing Authority Minutes - Approved

A motion was made by Hardy, second Sullivan to approve and adopt minutes of the December 15, 2003 Annual Meeting of the City Council/Redevelopment Agency/Public Financing Authority Meetings of the Huntington Beach Public Financing Authority as written and on file in the Office of the Secretary. Submitted by the Secretary. The motion carried by the following roll call vote:

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

Adjournment

Chair Hardy adjourned the annual meeting of the Huntington Beach Public Financing Authority.

Reconvened City Council/Redevelopment Agency Regular Meetings

Mayor Hardy reconvened the City Council/Redevelopment Agency Regular Meetings.

Consent Calendar – Items Removed for Separate Discussion

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

(City Council/Redevelopment Agency) Minutes

(City Council) Amendment No. 1 to Professional Services Contract between the City and Engineering Resources of Southern California, Inc. for Plan Check and Development Processing Staff for the Public Works Department

(City Council) Addition of a Contract Event Coordinator for the Fourth of July Celebration and Authorize Additional Budget Allocation

Consent Calendar – Items Approved

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

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

(City Council) Approved the Maddy Local Appointive List Act (Terms on City Boards, Committees, and Commissions Which Expire in 2005) Informing the Public of Openings and Vacancies Based on Expirations of Current Members' Terms (110.50) – Approved the Maddy Local Appointive List showing term vacancies, which will occur on city boards and commissions in the year 2005 and directed the City Clerk to post the list at the official posting locations (Civic Center, Huntington Central Library, Main Street Library). Copies of the Maddy Act will also be posted at all branch Libraries. Submitted by the City Clerk. Funding Source: Not applicable.

(City Council) Approved Budget Appropriation Revision to Backfill Key Positions in the Department of Building and Safety Regarding Citywide Permit System Project (320.10) – Approved the transfer of \$60,000 from the Citywide Permit System Project contract services account (30156001.69365) into the Department of Building and Safety temporary salary account for \$20,000 (10055301.52000) and \$40,000 to contract services account (10055301.69365) to backfill key positions. Submitted by the Building and Safety Director. Funding Source: Transfer funding from the Citywide Permit System Project into the Department of Building and Safety temporary salaries and contract services operating accounts.

(City Council) Approved Appointments to the Design Review Board of At-Large Members - Ed Kerins (Term to Expire December 31, 2008) and Kristin Stilton (Term to Expire December 31, 2006); and Alternate At-Large Member - William Crouch (Term to Expire December 31, 2008) (110.20) – Approved the appointments of Ed Kerins to the Design Review Board for a term to expire on December 31, 2008 and Kristin Stilton for a term to expire on December 31, 2006, as at-large members and William Crouch for a term to expire on December 31, 2008 as an alternate at-large member. Submitted by the Planning Director as recommended by Council liaisons Mayor Pro-Tem Dave Sullivan and Councilmember Cathy Green. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2004-97 Creating Temporary Part-Time Work Program (960 Program) and Amending the Memorandum of Understanding (MOU) Between the City of Huntington Beach and the Huntington Beach Police Officers' Association (HBPOA) (720.20) – Adopted Resolution 2004-97 – *“A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Amending the Memorandum of Understanding Between the City of Huntington Beach and Huntington Beach Police Officers' Association.”* Submitted by the Chief of Police. Funding Source: The existing, approved

budget can absorb the annual costs associated with this program. The funds are available in General Fund Accounts as follows; Uniform Division, Patrol Business Unit (10070201), Administrative Operations Division, Personnel Business Unit (10070109), and Investigations Division, Business Unit (10070203).

(City Council) Accepted Bid and Awarded Construction Contract to Southern California Underground Contractors, Inc. for the Alabama Street Storm Drain Improvement Project; CC-1214 (600.60) – **1.** Accepted the lowest responsive and responsible bid submitted by Southern California Underground Contractors, Inc. in the amount of \$988,474 for the Alabama Street Storm Drain Improvement Project, CC-1214; 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 authorize change orders in an amount not to exceed fifteen percent (15%) of award. Submitted by the Public Works and Economic Development Directors. Funding Source: Grant funds for this project were awarded through the EPA grant and the Orange County Sanitation District's Cooperative Projects Program. Funds in the amount of \$456,162 are available through a Community Development Block Grant and the balance of \$404,402 is budgeted in account number 86588008.82600. The full cost of the project is budgeted in Sewer Service Fund, Sewer Line Improvements, 51189002.82600, where funds are available for expenditures in excess of the grant commitments. The engineer's estimate was \$1,500,000.

(City Council) Approved the Release of Securities for Tract No. 15470 Located Six Hundred Feet North and East of the Intersection of Bolsa Chica Street and Warner Avenue, s/o Heil Avenue (Meadowlark Specific Plan) – Approved the Notice of Acceptance of Public Improvements (Developer, Catellus Residential Group, Inc.) (420.60) – **1.** Accepted the improvements constructed and dedicated for public use with Tract No. 15470; and **2.** Accepted Guarantee and Warranty Bond No. 929104326-W; the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and **3.** Released the Faithful Performance/Labor and Material Bond No. 929104326 and Monument Bond No. 929104327 pursuant to California Government Code Section No. 66499.7(a) (Attachment 2); and **4.** Instructed the City Clerk to notify the developer, Catellus Residential Group, Inc., of this action and the City Treasurer to notify the Surety, **National Fire Insurance Company of Hartford**, of this action; and **5.** Instructed the City Clerk to record the "Acceptance of Public Improvements" with the Orange County Recorder (Attachment 3). Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved Special Duty Pay for Public Works Interim Maintenance Operations Administrative Assignment (700.20) – Authorized special duty pay to Debra Jubinsky, Field Service Representative, of \$2.29 per hour to continue through April 29, 2005, or until the Senior Administrative Analyst position is filled. Submitted by Public Works Director and Administrative Services Director. Funding Source: With the vacant Senior Administrative Analyst position, an overall savings of approximately \$75,000 for the eleven-month period will be realized in Refuse Administration, 50485103.51000.

(City Council) Accepted Bid and Awarded Construction Contract to R. J. Noble Company for Gothard Street Rehabilitation; CC-1154 (600.50) – **1.** Accepted the lowest responsive and responsible bid submitted by R. J. Noble Company, in the amount of \$638,517.45 for Gothard Street Rehabilitation Improvements, CC-1154; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the sample contract attached. Submitted by the Public Works Director. Funding Source: Sufficient project funds

have been budgeted in the Gas Tax, Arterial Rehabilitation, Street Improvements Account No. 20790008.82300. Grant funds in the amount of \$190,923 are included in the budgeted funds. The engineer's preliminary estimate was \$652,343.

(City Council) Received and Filed Information Report Concerning Federal Emergency Management Agency (FEMA) Grant to Seismically Strengthen the Administration Building of City Hall (200.10) – Received and Filed Report. Submitted by the Building and Safety Director. Funding Source: Not Applicable. (Staff to Return to Council at a Date Uncertain to Request Approval of a Grant Application for Matching Funds.)

(City Council) Approved Four As-Needed Environmental Professional Services Agreements on an On-Call Basis for Public Works Department from 1) Stearns, Conrad, and Schmidt Consulting Engineers Inc. dba SCS Engineers; 2) Geosyntec Consultants Inc.; 3) KOMEX H2O Science; and 4) GC Environmental, Inc. (600.10) – Approved and authorized the Mayor and City Clerk to execute the following: **1) Professional Services Contract Between the City of Huntington Beach and Stearns, Conrad and Schmidt Consulting Engineers, Inc. dba SCS Engineers for As Needed Environmental Engineering Services; and 2) Professional Services Contract Between the City of Huntington Beach and Geosyntec Consultants, Inc. for As Needed Environmental Engineering Services; and 3) Professional Services Contract Between the City of Huntington Beach and KOMEX H2O Science for As Needed Environmental Engineering Services; and 4) Professional Services Contract Between the City of Huntington Beach and GC Environmental, Inc. for As Needed Environmental Engineering Services.** Submitted by the Public Works Director. Funding Source: Funds would be made available from currently budgeted programs. Additional Council authorization will be requested for unbudgeted projects, as necessary.

(City Council) Approved Amendment to the City's Enrollment in a Microsoft Enterprise Agreement for External Funding (600.10) Approved and authorized the Acting Information Services Director to execute the attached *Amendment No. 001 to the Microsoft State and Local Government Enterprise Enrollment*. Submitted by the Interim Information Services Director. Funding Source: Microsoft will provide \$30,000 in product support services or a like amount for the city toward services provided by one of the Microsoft partners for the implementation of the next generation Microsoft networks (Active Directory). \$25,000 per the attached agreement (Attachment 1) plus an additional \$5,000 from a second Microsoft funding source authorized in the attached email from Microsoft (Attachment 2).

(City Council/Redevelopment Agency) Minutes (120.65)

Mayor Hardy requested that this agenda item be removed from the Consent Calendar for discussion on the following correction.

A motion was made by Hardy, second Coerper to amend the November 15, 2004 minutes on page 10, paragraph 3 to include after the word "combination", the words "3-foot retaining wall and 5-foot view fence." The motion carried by the following roll call vote:

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

A motion was made by Cook, second Coerper to approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of November 1, 2004, City Council Adjourned Regular Meeting of November 8, 2004, and City Council/Redevelopment Agency Regular Meetings of November 15, 2004 as **amended**, by the above. The motion carried by the following roll call vote:

AYES: Coerper, Sullivan (Sullivan Abstained on the November 15, 2004 minutes), Hardy (Hardy abstained on the November 1, 2004 minutes), Green, Cook
 NOES: None
 ABSENT: None
 ABSTAIN: Hansen, Bohr

(City Council) Approved Amendment No. 1 to Professional Services Contract between the City and Engineering Resources of Southern California, Inc. for Plan Check and Development Processing Staff for the Public Works Department (600.10)

Councilmember Hansen requested that this agenda item be removed from the Consent Calendar to request clarification. Public Works Director, Robert F. Beardsley reported.

A motion made by Hansen, second Sullivan to approve and authorize the Mayor and City Clerk to execute Amendment No. 1 to the Agreement between the City of Huntington Beach and Engineering Resources of Southern California, Inc. for Plan Check and Development Process Services. 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 Addition of a Contract Event Coordinator for the Fourth of July Celebration and Authorized Additional Budget Allocation (960.30)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar for clarification regarding the recommended action. Community Services Director Jim Engle reported that Item 1 of the action was to approve the creation of the position, and Item 2 was for approval of fund allocation. Director Engle confirmed that the total additional funding request is \$16,000.00

A motion was made by Coerper, Second Cook to: **1)** Approve utilizing a contract event coordinator to help address the increasing complexity of the city's Fourth of July celebration, said contract not to exceed \$16,000; and **2)** Authorize an additional allocation of \$16,000 from the Fourth of July Fund reserves into Contractual Services Account 20445803.69450 to cover hiring a contract event coordinator. The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3693 Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits (580.60)

After the City Clerk read by title, a motion was made by Sullivan, second Coerper to approve for introduction **Ordinance No. 3693** - *“An Ordinance of the City of Huntington Beach Amending Chapter 10.12 of the Huntington Beach Municipal Code Relating to Speed Limits.”* The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3694 Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments (570.10)

Detective Krause clarified for Council the research provided to draft the ordinance, and the necessity to update to current Government Code. Councilmember Cook requested that a representative with the local Massage Therapist Association, be faxed a copy of proposed Ordinance prior to the next reading.

After the City Clerk read by title, a motion was made by Green, second Coerper to approve for introduction **Ordinance No. 3694** – *“An Ordinance of the City of Huntington Beach Amending Chapter 5.24 of the Huntington Beach Municipal Code Relating to Massage Establishments.”* 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. 2004-98 Supporting the City of Anaheim in Their Effort to Keep the Name “Anaheim Angels” (100.10)

The City Council considered a communication from Councilmember Cathy Green transmitting the following **Statement of Issue:** The City of Anaheim is currently struggling with the new owner of the Anaheim Angels over whether that team should be identified as the “Anaheim Angels.”

I, like most Orange County residents, take a great deal of pride in the fact that the Angels are an Orange County baseball team. Their identification as such has helped to give Orange County a national identity. This identity has, I believe, meant that tourists plan to visit Orange County as their primary destination, not just as a side trip on their visit to Los Angeles.

As such, it is important that the cities of Orange County support Anaheim in its efforts. To that end, I am requesting your support for the attached resolution.

Council discussion was held relative to Council’s jurisdictional responsibility, as well as the importance of supporting other Orange County cities and the Orange County Tourism Bureau.

A motion was made by Coerper, second Hardy to adopt **Resolution No. 2004-98**, - *“A Resolution of the City Council of the City of Huntington Beach Supporting the City of Anaheim in Their Efforts to Keep the Name “Anaheim Angels” as the Name of the Anaheim Angels.”*

The motion carried by the following roll call vote:

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

(City Council) Directed City Attorney to Revise the City’s Sign Ordinance as it Relates to Political Signs (120.90)

The City Council considered a communication from Councilmember Keith Bohr transmitting the following **Statement of Issue**: It seems every two years during the election season that many of our Huntington Beach residents grow more irritated by the ninety days of legally and illegally displayed political signs. Huntington Beach’s current code allows political signs to be displayed 75 days before election and requires them to be removed no later than 15 days after the election.

After researching other Orange County cities’ ordinances, I respectfully suggest that the City Council consider revising our ordinance by reducing the current 75 days to 45 days before election and reducing from 15 to 12 days the amount of time after election to remove all signs. This reduces by one-third the time Huntington Beach residents must view signs while still maintaining the candidate’s freedom of speech and still allowing signs to go up before absentee ballots are distributed and cast. The 12 days to remove signs gives candidates and their supporters two full weekends to remove all their signs.

City Attorney McGrath clarified to council the enforceability of the political signs ordinance.

A motion was made by Bohr, second Cook directing the City Attorney to return to Council with a revised ordinance reducing the number of days prior to the election that political signs can be displayed to 45 days before election, and **amending** the recommended action to 15 days after the election to remove the signs.

The motion carried by the following roll call vote:

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

(City Council) Directed City Attorney to Prepare Ordinance Regarding Fourth of July Staking Policies Relative to Huntington Beach Municipal Code 13.54 (960.30)

The City Council considered communication from Councilmember Gil Coerper (a copy of Huntington Beach Municipal Code Section 13.54.200 was included) transmitting the following **Statement of Issue**: During the workshop between the City Council and the 4th of July Executive Board, a number of issues regarding “staking” prior to and during the annual Fourth of July Parade were identified. There are questions as to:

1. Should the community be permitted to stake out an area on public property along the parade route?
2. When should the community be permitted to start staking out an area of the parade route?
3. Should staking out be allowed on the center median?
4. Should certain identified items of personal property be prohibited from being used for staking out?

Recommended Action is to:

1. Staking out be permitted on public property, including the center median of Main Street, along the parade route only after 9:00 AM on the third of July. City staff will make reasonable effort to remove items used for staking out prior to this time.
2. The parade route be posted well in advanced with appropriate signage informing the public of the applicable staking out ordinances.
3. Tape or other material with adhesives be prohibited for use in staking out on any public property, including sidewalks, roadways, street signs and trees.
4. No materials or other items used for staking out shall block or interfere with any public roadway or sidewalk prior to 6:00 AM on the Fourth of July.
5. Staff make appropriate public notices advising of the staking out ordinance.

A motion was made by Sullivan, second Green directing the City Attorney to prepare ordinance revisions that include Items 1-5 listed above in the recommended action and to return to Council for introduction at a date uncertain. The motion carried by the following roll call vote:

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

(City Council) Mayor Jill Hardy thanked Rabbi Einstein who was scheduled to lead the Invocation (120.85)

Mayor Jill Hardy thanked Rabbi Einstein, who was in attendance and was scheduled to lead the Invocation

(City Council) Councilmember Coerper Reported on the Eagle Scout Court of Honor - (120.85)

Councilmember Coerper complimented Mayor Hardy on the presentation prepared for John Hammer at the Eagle Scout Court of Honor. Mayor Hardy responded that the Eagle Scouts have contributed to the community and deserve such commendations, and further recognized Eagle Scouts Thomas Waters, and David Liechty, both former students of Edison High School.

(City Council) Mayor Hardy Congratulated Councilmember Hansen's Birth of Son. (120.85)

Mayor Hardy offered congratulations to Councilmember Hansen and his wife on the birth of their son.

Mayor Hardy Recessed the City Council/Redevelopment Agency to Continue Closed Session Discussion

Approved by unanimous consent.

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Continuation of Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

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

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:10 PM to Monday, January 3, 2005, at 4:00 p.m., in Room B-8 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-Chairman