Regular Minutes
City Council/Redevelopment Agency
City of Huntington Beach

Monday, February 7, 2005
4:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 4:00 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.

Call to Order

Mayor Pro Tem Dave Sullivan 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, Green, Bohr, Cook (Mayor Hardy requested permission to be absent pursuant to Resolution No. 2001-54)
Absent: Hardy

(City Council) Study Session Held – Presentation by the City Administrator on Staffing Priorities and Restoration of Critical City Services (100.10)

City Administrator, Penny Culbreth-Graft, presented a memorandum describing certain services identified in several departments, along with a plan and timetable to restore those services. The communication is titled *Staffing Priorities and Restoration of Critical Services City Council Study Session for February 7, 2005* and was included in the agenda packet.

City Administrator Culbreth-Graft outlined the City service levels which the public has indicated as high priorities for reinstatement, including: graffiti abatement, trees, streets, sidewalks, and the cleanliness of parks, beaches and other public areas. The Level I positions had been cut during budget layoffs and are related to critical City services.

Councilmembers made inquiries of the Department Heads present, including the timelines for filling positions in the Police Department, the responsibilities of individual positions in the Fire and Planning Departments, staffing and volunteer assistance at the libraries, the total dollar amount of the budget reductions, any additional operational costs incurred with reinstatement of positions, and the staffing levels at the Community Services and Public Works Departments.

City Administrator Culbreth-Graft will return to Council with the total dollar amount of the budget reductions in staffing at a later date. Community Services Director Jim Engle will provide Council with a copy of the Community Services Department audit as well as an organizational chart.

Motion to Recess to Closed Session – Approved

A motion was made by Coerper, second Green to recess to Closed Session on the following items. The motion carried by consensus of all present, Mayor Hardy 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 **Park; Young; and Kirkwood v. City of Huntington Beach, et al.;** Orange County Superior Court Case No. 04CC07317. **Subject**: Park, et al. v. City of Huntington Beach, et al. (120.80)

(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 **Gilbert Coerper v. City of Huntington Beach,** WCAB Case No. LBO 0334002: Claim No. COHB-01-0180. **Subject**: Coerper v. City of Huntington Beach. (120.80)

(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 **Marie Hansen v. City of Huntington Beach, et al.,** Orange County Superior Court Case No. 02CC11272. **Subject**: Marie Hansen v. City of Huntington Beach, et al. (120.80)

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

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

City Council- Redevelopment Agency Roll Call

Present: Hansen, Coerper, Sullivan, Green, Bohr, Cook (Mayor Hardy requested permission to be absent pursuant to Resolution No. 2001-54)
Absent: Hardy

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on February 7, 2005 Pursuant to Government Code §54957.1(a) (3) (B) Regarding Marie Hansen v. City of Huntington Beach, et al., Orange County Superior Court Case No.s 02CC11272 and 03CC12405. Subject: Marie Hansen v. City of Huntington Beach, et al. (120.80)

City Attorney Jennifer McGrath reported that on Monday, February 7, 2005 the City Council convened in Closed Session to discuss the matter of Marie Hansen v. City of Huntington Beach, et al. Orange County Superior Court Case No.s 02CC11272 and 03CC12405 and a settlement was reached in the amount of $635,000. The settlement was approved 6 – 0 – 1 (Hardy absent).

Pledge of Allegiance – Led by Cub Scout Pack #227

Invocation – Led by Father Dan Lackie, Sts. Simon and Jude

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:

Correction to Special Meeting Minutes from Friday, January 28, 2005. Mayor Hardy was listed as Mayor Pro Tem Hardy on pages one and two.

Communication submitted by A.T. Hendricker, Chairman of the Environmental Board dated February 4, 2005 titled *Citywide Urban Runoff Management CURMP*.

Communication submitted by Manuel S. Klausner of Klausner Law Offices representing Reason Foundation dated February 4, 2005 providing his legal analysis of proposed ordinance 3697 imposing a moratorium on permits for medical cannabis dispensaries.

Public Comments

John Von Holle, President of the Huntington Beach Municipal Employees' Association (HBMEA) expressed appreciation to Council, the City Administrator and the Police Chief for the upcoming agenda item concerning the Memorandum of Understanding (MOU) between the City and the MEA.

Chuck Scheid spoke regarding two agenda items concerning Memorandums of Understanding (MOUs) between the City and two employee groups. He asserted his opinion that these types of items should not be routine Consent Calendar items. Mr. Scheid stated his preference that the full cost impact of the agreements be included in the *Request for Council Action* (RCA) to allow greater public participation.

Steve Stafford spoke regarding the redevelopment of the Beach Boulevard and Atlanta Avenue shopping center. Mr. Stafford stated his opinion that safeguards need to be installed and a committee formed to oversee the project developer.

Steve Engel, representing Friends of Shipley Nature Center, spoke relative to the Consent Calendar item concerning a temporary parking lot at Huntington Beach Central Park. He referred to volunteer hours devoted to the project, and invited the public to visit the center. Mr. Engel stated his opinion that the proposed parking will bring in more visitors, and thanked Councilmember Coerper for bringing the issue to Council's attention.

David Guido spoke on behalf of the Environmental Board, emphasizing a memo submitted as a Late Communication on the Consent Calendar item concerning the Citywide Urban Runoff Management Plan (CURMP). Mr. Guido itemized some issues that he stated the plan does not address, and expressed concern that the public have the opportunity to review and give input on the Citywide Urban Runoff Management Plan (CURMP) prior to adoption.

Alan Gandall, affiliated with Saveourfield.org, updated Council and the community about a scheduled board of trustees meeting to be held at the Fountain Valley School Board office, 17210 Oak Street, Fountain Valley on February 10, 2005 to determine whether the Wardlow property should be sold as surplus.

Mike Wickson, resident on property adjacent to the Wardlow Field, spoke in favor of open space in the area, and in opposition to what he termed as "urban sprawl." Mr. Wickson announced the website saveourfield.org for further information.

Tom Pleikhardt read a letter the Fountain Valley School District received from the Major League Baseball Players' Association in opposition to the proposed sale of Wardlow Field. Mr. Pleikhardt stated that the youngsters would be displaced if the baseball field is sold, and requested Council assistance to save or relocate the field.

Linda Markus, resident in the affected area, spoke regarding the deferred public hearing concerning General Plan Amendment No. 04-02. Ms. Markus stated concerns over how the zoning changes would affect building heights.

Mayor Pro Tem Sullivan informed Ms. Markus that the public hearing she referred to has been deferred to the February 22, 2005 meeting.

Alex Leo, Huntington Beach High School student and Youth Chair for the Cancer Society Relay for Life event, informed everyone that the event is scheduled for June 4-5, 2005 at the Goldenwest College track. Mr. Leo extended an invitation to Council and all citizens to the event kick-off being held Thursday, February 24, 2005 from 6:30-8:00 p.m. at the Meadowlark Golf Course Country Club.

(City Council) Continued from January 18, 2005 Council Meeting – Announcements Made by Councilmember Don Hansen of Individual Appointment of Blair Farley to the Fourth of July Executive Board. Investment Advisory Board Member to be Appointed at the February 22, 2005 Meeting (110.20)

Councilmember Hansen made the above announcements.

(City Administrator's Report) Penny Culbreth-Graft Announced Billing Received for League of California Cities – Item to be Placed on February 22, 2005 Meeting Agenda (160.10)

Penny Culbreth-Graft announced that the City Council received its bill for the League of California Cities with a request date (not a due date) of January 31st for payment. Discussion was held regarding audit results, organizational structure, and placing the item on the February 22, 2005 agenda.

(City Council) Reviewed and Accepted Shari Freidenrich, City Treasurer's December 2004 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 December 2004.

City Treasurer Freidenrich gave a PowerPoint presentation titled *Treasurer's Report,* which was included in the agenda packet.

A motion was made by Hansen, second Bohr to review and accept the monthly report titled *Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for December 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, Green, Bohr, Cook
NOES: None
ABSENT: Hardy

(City Council) Deferred to February 22, 2005 Meeting - Public Hearing to Consider Approval of 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)

The City Council considered a communication from the Director of Planning dated January 31, 2005 transmitting the following: This item was noticed for a public hearing at the February 7, 2005 City Council meeting. However, it has come to our attention that the accompanying Negative Declaration No. 04-02 was not included in the legal notice. Therefore, this item is being rescheduled to the February 22, 2005 City Council meeting to allow for proper legal notification.

Mayor Pro Tem Sullivan announced that this item has been deferred to February 22, 2005.

Consent Calendar – Items Removed for Separate Discussion

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

(City Council) City Clerk's Passport Acceptance Facility Operations Quarterly Report for October 2004 through December 2004

(City Council) Pier Plaza Flagpole Project Donated by the American Legion

(City Council) Concept of Temporary Parking Lot in Huntington Central Park for Shipley Nature Center and General Park Users

(City Council) Resolution No. 2005-11 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Police Officers' Association (HBPOA) Covering October 1, 2003 to March 31, 2006

(City Council) Resolution No. 2005-12 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Municipal Employees' Association (HBMEA) Covering December 20, 2003 to June 30, 2006

(City Council) Citywide Urban Runoff Management Plan (CURMP)

Consent Calendar – Items Approved

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

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

(City Council/Redevelopment Agency) Approved and Adopted Minutes as Amended per Late Communication (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of January 18, 2005 and City Council Special Meeting of January 28, 2005 as amended per Late Communication to correct Mayor Hardy's title and as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council/Redevelopment Agency) Approved 1) Grant Deed and Conveyance of Waterfront Degraded Wetlands Parcel from Redevelopment Agency to City; and 2) Execution of License and Maintenance Agreement with HB Wetlands Conservancy (1.002-Acre Part of Waterfront Site and 2.415-Acre City Owned Buffer Parcel) (600.10) – **Redevelopment Agency Action:** Authorized the Agency Chairperson and Agency Clerk to execute a *Grant Deed* from the Agency to the City for the Degraded Wetlands Area and send to the County for recordation after the City Clerk has affixed the acceptance certificate of the City. **City Council Actions**: **1.** Authorized acceptance of the Deed by the City for the Degraded Wetlands Area; and **2.** Approved and authorized the Mayor to execute a *License and Maintenance Agreement by and between Huntington Beach Wetlands Conservancy and the City of Huntington Beach Relating to the Degraded Wetland Area and the Buffer Area.* Submitted by the Economic Development/Deputy Executive Director and Acting Director of Public Works. Funding Source: The HB Wetlands Conservancy will assume costs associated with maintenance of the degraded wetlands. The City will pass through funds from the adjacent homeowners association intended for maintenance of the buffer parcel to the HB Wetlands Conservancy. As such, there is no fiscal impact on the City.

(City Council) Rejected all Bids for Warner Avenue Gravity Sewer, CC-1182A and Authorized Staff to Re-Advertise if Alternative Design Proves Feasible (600.60) – **1.** Rejected all bids; and **2.** Authorized staff to re-advertise the project if, after a detailed review, an alternative design proves feasible. Submitted by the Acting Public Works Director. Funding Source: Funds are budgeted in the Sewer Service Fund, 51185201.82600. Funding for this project includes Sewer Service Charge User Fees and an agreement with the Seal Beach Sanitary District. The engineer's cost estimate for this project was $3,300,000.

(City Council) Adopted Resolution No. 2005-8 Amending the City's Code of Ethics - Item Deferred from January 18, 2005 Council Meeting to Direct the City Clerk to Record Presentation of the City's Code of Ethics to Council, the City Administrator, Chairpersons and City Department Directors for their Annual Review and Distribution (110.40) – **1.** Adopted **Resolution No. 2005-8** - *"A Resolution of the City Council of the City of Huntington Beach Amending the City's Code of Ethics"* and **2.** Directed the City Clerk to record in the official minutes that the Code of Ethics was presented to the City Council, the City Administrator, Chairpersons, and City Department Directors for their review and distribution as required. Resolution submitted by the City Attorney; Item deferred from January 18, 2005 was submitted originally by Mayor Jill Hardy. Submitted at this meeting by the City Attorney. Funding Source: Not applicable.

(City Council) Adopted Resolution No. 2005-9 Authorizing the Closing of the First Block of Main Street to Vehicular Traffic for Certain Specific Events (Wavecrest Beach Cruiser Meet, 4th of July, and Halloween Downtown Activities) (800.60) – Adopted **Resolution No. 2005-9** – *"A Resolution of the City Council of the City of Huntington Beach Authorizing the Closing of Main Street to Vehicular Traffic for Certain Special Events.* Submitted by the Community Services Director. Funding Source: Not applicable.

(City Council) Approved Memorandum of Understanding (MOU) between the City and the Friends of Junior Lifeguards (FJL) (720.20) – Approved the *Memorandum of Understanding between the City of Huntington Beach and Friends of the Junior Lifeguards*, and authorized the Mayor and City Clerk to execute the MOU. Submitted by the Community Services Director. Funding Source: Not applicable; FJL is seeking to furnish the new Junior Lifeguard building.

(City Council) Approved Sole Source Procurement of Tot Lot Playground Equipment from Dave Bang & Associates, Inc. for Sun View, Lake View, and McCallen Parks (600.10) – Approved Sole Source Procurement from Dave Bang & Associates, Inc. for purchase and installation of tot lot play equipment. Submitted by the Community Services Director. Funding Source: Funds are budgeted in Community Development Block Grant Park Improvement Account 86645101.82000 ($82,533.67) for purchase and installation of tot lot play equipment at three parks.

(City Council) Adopted Annual Disadvantaged Business Enterprises (DBE) Goal for Fiscal Year 2004-2005 (340.70) – Adopted the Annual Disadvantaged Business Enterprises (DBE) goal of seven percent (7%). Submitted by the Acting Public Works Director. Funding Source: Not applicable to this action.

(Redevelopment Agency) Approved Two Professional Services Contracts between the Redevelopment Agency and (1) Kane, Ballmer & Berkman and (2) Best, Best & Krieger for Redevelopment Legal Counsel Services (600.10) – **1.** Approved the *Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Kane, Ballmer & Berkman for Legal Counsel Services,* and authorized the Chairman and the Agency Clerk to execute the agreement; and **2.** Approved the *Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Best, Best & Krieger LLP for Legal Counsel Services* and authorized the Chairman and the Agency Clerk to execute the agreement. Submitted by the Agency Counsel and Deputy Executive Director. Funding Source: Redevelopment General Fund, Professional Legal Services, Account Number 30515101.69375.

(City Council) Received and Filed City Clerk's Passport Acceptance Facility Operations Quarterly Report for October 2004 through December 2004 (100.30)

The City Council considered a communication from City Clerk Joan L. Flynn transmitting the following **Statement of Issue:** Submitted for City Council review is the report of the City Clerk's Passport Acceptance Facility operations. From October 2004 through December 2004 the Passport Acceptance Facility served 504 citizens with a projected revenue of $9,260.52. Huntington Beach residents constituted the majority of customers (403) followed by Fountain Valley (41), Westminster (16) and Costa Mesa (7). Funding Source: Not applicable.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to inform the public of the ease of receiving passports through the City Clerk's Office.

A motion was made by Sullivan, second Bohr to receive and file the Quarterly Passport Acceptance Facility Report showing projected revenue of $9,260.52 for the period of October 1, 2004 to December 31, 2004 as prepared and submitted by the Office of the City Clerk. The motion carried by the following roll call vote:

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

(City Council) Deferred by Staff to a Date Uncertain - Acceptance of Pier Plaza Flagpole Project Donated by the American Legion and Gratitude Extended to the American Legion by Councilmember Hansen (160.40)

The City Council considered communication from the Community Services Director and Acting Public Works Director transmitting the following **Statement of Issue:** Three new flagpoles have been constructed at Pier Plaza by the American Legion and donated to the City. Staff recommends accepting the donation and project as complete. Funding Source: Not applicable; donation from American Legion.

Councilmember Hansen requested that this agenda item be removed from the Consent Calendar to thank the American Legion for their efforts and to further highlight their donation to the public.

Mayor Pro Tem Sullivan announced that staff requested this item be deferred to a date uncertain.

(City Council) Approved Concept of Temporary Parking Lot in Huntington Central Park for Shipley Nature Center and General Park Users (920.60)

The City Council considered a communication from the Community Services Director transmitting the following **Statement of Issue:** Per Council's request, staff has prepared a conceptual plan for installing a temporary parking lot in Huntington Central Park to serve the Shipley Nature Center and general park users. Funding Source: Estimated not to exceed $11,000, Park Acquisition & Development Fund, Account No. 20945101.67450, with assistance from Friends of Shipley Nature Center, who will provide volunteers and seek donations to reduce the city funds required.

Mayor Pro Tem Sullivan requested that this agenda item be removed from the Consent Calendar to inquire if staff's recommendation is also to approve the funding for the project.

Director Engle confirmed that staff recommends also approving the funding, not to exceed $11,000, from the Park Acquisition & Development Fund.

A motion was made by Sullivan, second Green to approve concept of a temporary parking lot in Huntington Central Park to serve Shipley Nature Center and general park users and to approve funding for the project, not to exceed $11,000, from the Park Acquisition & Development Fund, Account No. 20945101.67450. The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2005-11 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Police Officers' Association (HBPOA) Covering October 1, 2003 to March 31, 2006 (720.20)

The City Council considered a communication from the Acting Administrative Services Director transmitting the following **Statement of Issue:** Should the City and the Huntington Beach Police Officers' Association enter into a new Memorandum of Understanding (MOU) covering the period of October 1, 2003 through March 31, 2006? Funding Source: Funding is included in the Fiscal Year 2004/2005 budget and to be included in the Fiscal Year 2005/2006 budget. The total annual cost to implement the Memorandum of Understanding with the Huntington Beach Police Officers' Association is $668,791 in Fiscal Year 2004/05 and $326,317 in Fiscal Year 2005/06 (term expires March 31, 2006).

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to address the comments made by a public speaker, and to suggest that, in the future, MOUs be agendized as non-routine, administrative items.

A motion was made by Bohr, second Coerper to adopt **Resolution No. 2005-11** – *"A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Peace Officers' Association (POA) and the City of Huntington Beach for 10/1/03 through 3/31/06."* The motion carried by the following roll call vote:

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

(City Council) Adopted Resolution No. 2005-12 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Municipal Employees' Association (MEA) Covering December 20, 2003 to June 30, 2006 (720.20)

The City Council considered a communication from Acting Administrative Services Director transmitting the following **Statement of Issue:** Should the City and the Huntington Beach Municipal Employees' Association enter into a new Memorandum of Understanding covering the period of December 21, 2003 through June 30, 2006? Funding Source: Funding included in the Fiscal Year 2004/2005 budget and to be included in the Fiscal Year 2005/2006 budget. The total annual cost to implement the Memorandum of Understanding with the Huntington Beach Municipal Employees' Association is $1,102,000 in Fiscal Year 2004/05 and $873,605 in Fiscal Year 2005/06 (MOU term expires June 30, 2006).

As with the preceding Consent Calendar Item regarding Resolution No. 2005-11, Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to address the comments made by a public speaker, and to suggest that, in the future, MOUs be agendized as non-routine, administrative items.

A motion was made by Bohr, second Coerper to adopt **Resolution No. 2005-12** – *"A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Municipal Employees' Association (MEA) and the City of Huntington Beach for 12/20/03 through 6/30/06."* The motion carried by the following roll call vote:

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

(City Council) Adopted the Citywide Urban Runoff Management Plan (CURMP) (520.15)

The City Council considered a communication from the Acting Public Works Director transmitting the following **Statement of Issue:** The 2005 Citywide Urban Runoff Management Plan (CURMP) has been completed. Adoption by the City Council is requested to provide future direction for project implementation. Funding Source: Not required to adopt the CURMP.

Councilmember Bohr requested that this agenda item be removed from the Consent Calendar to inform the public that he is the Council liaison to the Environmental Board and to address the concerns of a public speaker who inquired about the availability of the report.

City Administrator Culbreth-Graft reported on the timeline for adoption, the intent of the Management Plan to act as a living document suited for amendments, and the widespread distribution of the report including a posting on the City website and availability on disk upon request.

A motion was made by Bohr, second Coerper to adopt the Citywide Urban Runoff Management Plan. The motion carried by the following roll call vote:

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

(City Council) Failed to Adopt Interim Ordinance No. 3697 Requiring a 4/5 Vote to Impose a 45-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?

The City Council considered a communication from Chris Snell, which was included in the agenda packet.

Captain Dan Johnson spoke on behalf of Police Chief Kenneth Small. Captain Johnson outlined reasons for recommending the ordinance and the basis for concerns over public health and safety.

Councilmember Cook stated her opposition to the ordinance for reasons including unequal treatment of a drug.

After the City Clerk read by title, a motion was made by Coerper, second Green to adopt **Interim Ordinance 3697 -** *"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. The motion **failed** by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green, Bohr
NOES: Cook
ABSENT: Hardy

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

The City Council considered a communication submitted by the City Attorney transmitting the following **Statement of Issue:** Whether or not to amend Chapters 13.54 and 12.32 of the Municipal Code to establish parameters for staking on public property prior to and during the annual 4th of July parade.

City Attorney Jennifer McGrath and Police Captain Dan Johnson reported.

After the City Clerk read by title, a motion was made by Hansen, second Green to approve for introduction **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"* as **amended** to reflect a 7:00 a.m. (and not the proposed 9:00 a.m.) reserve start time in Chapter 12.32.015 (a).

The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction 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 Coerper, second Green to approve for introduction **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."* The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction 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 Green to approve for introduction **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."* The motion carried by the following roll call vote:

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

(City Council/Redevelopment Agency) Accepted a $1,000 Contribution from the Downtown Business Association and Directed Staff to Proceed with the Replacement of the Majestic Beauty Trees on Downtown Main Street Utilizing Redevelopment Agency Funds (410.20)

The City Council considered a communication from Council/Agency member Gil Coerper transmitting the following **Statement of Issue:** On March 15, 2004, the City Council concurred with a number of advisory bodies that Queen Palms should be the replacement tree for the Majestic Beauty trees in the Downtown. As part of that action, rather than proceeding with the replacement of all of the trees using $15,000 in available Redevelopment Agency funds, the Council requested that the Downtown merchants provide a match of half of the amount or $7,500. To date, only a few of the trees have been replaced.

ANALYSIS:

At the Downtown Issues Economic Development Committee meeting on September 24, 2004, Steve Daniels reported that they had raised $1,000 of the funds needed but had not been able to raise all of the funds given the focus on recent efforts to secure approval of the Downtown Business Improvement District (BID).

I believe it is appropriate for the City Council to reconsider its prior decision for a number of reasons:

The existing Majestic Beauty trees, because of their height and size, encroach into the sidewalk area, creating my concern for safe passage of the numerous pedestrians in the downtown area.

Replacement of the trees using redevelopment funds will assist the newly formed BID in getting started.

The Council's action in forming the BID reduced the assessments from $500 per year to $250 for businesses occupying 1,000 or less square feet, which will deprive the BID of an estimated $10,000 to $20,000 of revenue in its first year of operation, a portion of which could have been used towards trees.

Council/Agency member Coerper reported orally.

Discussion ensued amongst Council/Agency members and staff relative to whether a private citizen would be eligible for this type of agreement, the previous agreement with downtown merchants, public safety concerns, and funding sources.

Council/Agency member Cook and Mayor Pro Tem/Vice Chair Sullivan stated reasons for their opposition to the recommended action.

A motion was made by Coerper, second Green to accept a contribution of $1,000 from the Downtown Business Association and direct staff to proceed with the replacement of the Majestic Beauty trees utilizing Redevelopment Agency funds. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Green, Bohr
NOES: Sullivan, Cook
ABSENT: Hardy

(City Council) Adopted Minute Action Formally Opposing Any Freeway Extension Involving State Route 57 to Interstate 405 and Pacific Coast Highway Following the Santa Ana River and Directed the Mayor to Forward a Letter to the OCTA (Orange County Transit Authority) (120.70)

The City Council considered a communication from Councilmember Don Hansen transmitting the following **Statement of Issue:** The Orange County Transportation Authority is in the process of identifying potential alternatives to address north-south mobility issues in central Orange County. One of the most significant alternatives being considered is the extension of State Route 57 from the Orange Crush interchange to Interstate 405 and Pacific Coast Highway, following the Santa Ana River.

During the review of potential alternatives to include in the study, some of the participating agencies requested that the alternative extending the freeway to Pacific Coast Highway be included for consideration. This alternative has been included in the study up to this point and has been presented to the public at recent open houses. I was present at a highly attended public open house in Fountain Valley on January 25. I had the opportunity to speak with many Huntington Beach residents who are very concerned about the possibility of this freeway extension at any time in the future. I have also received numerous e-mails and phone calls that express the same points of concern.

The City Council approved a minute action item in May 2003 opposing the action by OCTA to initiate any study of the freeway extension. I strongly believe that the level of Huntington Beach resident opposition to this alternative was recognized by the OCTA and that there is an opportunity for the city to influence the study content at this time.

Councilmember Hansen reported orally.

Discussion was held to clarify the specifics of the recommendation as it applies to State Route **57.** Councilmember Hansen confirmed that he opposes any of the proposed extensions to Route 57.

A motion was made by Hansen, second Cook to adopt a minute action formally opposing the consideration of any freeway extension alternative within the Santa Ana River waterway area, extending to Pacific Coast Highway and forward a letter under the Mayor's signature to the OCTA requesting that the alternative be immediately removed from consideration as part of the Central County Corridor Study. The motion carried by the following roll call vote:

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

(City Council) Councilmember Coerper Commented on the Pacific Shoreline Marathon (120.85)

Councilmember Gil Coerper commented on the success of the Pacific Shoreline Marathon held on February 6, 2005. He reported that there were over 7,000 entries, and recognized the volunteer groups who made it possible.

(City Council) Mayor Pro Tem Sullivan Commented on the Pacific Shoreline Marathon (120.85)

Mayor Pro Tem Dave Sullivan commented on the marathon finishers and the delight of the children upon receiving their medals.

(City Council) Councilmember Green Announced Intent to Deliver Mayor's Letter to the OCTA on Monday, February 14, 2005 (120.85)

Councilmember Cathy Green announced that she will take the Mayor's letter to the Orange County Transportation Authority (OCTA) on Monday, February 14, 2005.

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 7:22 p.m. to a Closed Session Meeting Monday, February 14, 2005, at 4:30 p.m., in the Council Chambers, 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 14, 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, Coerper, Sullivan, Hardy, Green, Bohr, Cook
Absent: None

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 14, 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 14, 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)

E-1

Dated: February 10, 2005

ATTEST: City Clerk

Mayor

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 13, 2005.

Mayor

Motion to Recess to Closed Session – Approved

The City Council recessed to Closed Session by unanimous consent of all present, none absent on the following 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)

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

Adjournment – City Council at 5:50 p.m.

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

ATTEST:

City Clerk

Mayor