

## **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

*72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.*

## **REVISED ACTION AGENDA**

**\*\*Pages 10 & 11\*\***

**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

**4:00 P.M. - Room B-8**

**Call City Council/Redevelopment Agency Meeting to Order**

**Roll Call** Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook (Mayor Hardy has requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)  
**Present (Hardy absent)**

**Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

**(1)** The Brown (Open Meetings) Act requires that copies of late communications submitted by City Councilmembers or City Departments are to be made available to the public at the City Council meeting. **(2)** Late communications submitted by members of the public are to be made available to the public at the City Clerk's Office the morning after the Council meeting. (Late Communications are communications regarding agenda items that have been received by the City Clerk's Office following distribution of the agenda packet.)

**None**

**Public Comments Regarding 4:00 P.M. Portion of Council Meeting for Study Session and Closed Session Agenda Items**

**None**

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

The City Administrator will present a memorandum describing certain services identified in several departments, along with a plan and timetable to restore those services.

Communication submitted by the City Administrator dated February 7, 2005 titled *Staffing Priorities and Restoration of Critical Services City Council Study Session for February 7, 2005* is included in the agenda packet.

***City Administrator, Penny 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.***

#### **Call Closed Session of City Council/Redevelopment Agency**

**Recommended Action: Motion to recess to Closed Session on the following items:  
*Approved by consensus of all members present, 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

(3)

matters – meet and confer with the following employee organizations: **MEO, HBFA, MSOA, and Non-Associated.** **Subject:** Labor Relations – Meet & Confer. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items. The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled. When an Agenda Item requires action by any of these Agencies, it will show in parenthesis preceding the item, for example (City Council-Redevelopment Agency).

#### 6:00 P.M. - Council Chambers

#### Reconvene City Council/Redevelopment Agency Meeting

**The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

***Reached settlement on Marie Hansen vs. City of Huntington Beach in the amount of \$635,000.***

***Approved 6 – 0 – 1 (Hardy absent)***

**Roll Call** Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook (Mayor Hardy has requested permission to be absent from the meeting pursuant to Resolution No. 2001-54.)

***Present (Hardy absent)***

**Pledge of Allegiance/Flag Salute** – To be led by Cub Scout Pack #227

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

**Invocation** – Father Dan Lackie, Sts. Simon and Jude

Hello and welcome to the Huntington Beach City Council meeting. If you would like to address the Council, please fill out the pink public comment sheet attached to the agenda. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. **As a courtesy to those in attendance, I would ask that cellphones and pagers be turned off or set in their silent mode. Thank you.**

#### **Pursuant to the Brown (Open Meetings) Act the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda**

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***E-1, E-15, G-1a***

**B. PUBLIC COMMENTS**

This is the time of the meeting for the Council to receive comments from the public regarding items of interest or agenda items OTHER than Public Hearings. Generally, Council will not enter into a dialogue during this period.

Pursuant to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the Council. Councilmembers strive to treat members of the public with respect, and we ask that you also express your concerns and opinions in a civil and respectful manner.

Each speaker is allowed 3 minutes and time may not be donated to others. No action can be taken by Council/Agency on this date unless the item is agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms (the Police Officer located near the speaker's podium.)

***Speaker, President of Municipal Employees' Association (MEA) expressed appreciation to Council, the City Administrator and the Police Chief for the upcoming agenda item E-14 on the Memorandum of Understanding (MOU).***

***Speaker spoke regarding agenda items E-13 and E-14 stating that his understanding is these types of items are not routine Consent Calendar items. The speaker stated his preference that the full cost impact of the agreements be included in the RCA to allow greater public participation.***

***Speaker spoke regarding Beach Boulevard and Atlanta Avenue shopping center being redeveloped. Speaker stated safeguards need to be placed and a committee formed to oversee the project developer.***

***Speaker representing Friends of Shipley Nature Center spoke relative to agenda item E-9 and volunteer hours devoted. Speaker invited public to visit the center, stating the proposed parking will bring in more visitors. He thanked Councilmember Coerper for bringing the item forward.***

***Speaker on behalf of Environmental Board, emphasized memo submitted as a Late Communication on agenda item E-15. Speaker expressed concern that the public have the opportunity to review and give input on the Citywide Urban Runoff Management Plan (CURMP).***

***Speaker from Saviourfield.org updated Council and the community that the Fountain Valley School Board at 17210 Oak Street, Fountain Valley is holding a public hearing to determine whether the Wardlow property should be sold as surplus.***

***Speaker, resident of property adjacent to the Wardlow site, spoke in favor of open space in the area, and in opposition to what he termed as "urban sprawl." He announced the website [saviourfield.org](http://saviourfield.org) for further information.***

**Speaker cited letter the Fountain Valley School District received from Major League Baseball Players' Association in opposition to the proposed sale of Wardlow School property. Speaker stated the youngsters will be displaced if the baseball field is sold, and requested Council assistance.**

**Speaker, resident of Huntington Gardens, spoke regarding deferred public hearing, D-1. Mayor Pro Tem Sullivan informed speaker the public hearing will be held February 22, 2005.**

**Speaker, student of Huntington Beach High School, informed everyone of American Cancer Society event Relay for Life on June 4-5, 2005 at the Goldenwest College track. He extended an invitation to Council and all citizens to the event kick-off being held Thursday, February 24, 6:30-8:00 p.m. at the Meadowlark Golf Course.**

### **C-1. Council Committee/Council Liaison Reports**

**C-1a. (City Council) Continued from January 18, 2005 Council Meeting - Announcement by Councilmember Don Hansen to be Made of Individual Appointments to the Fourth of July Executive Board and the Investment Advisory Board (110.20)  
Councilmember Hansen announced Blair Farley to the Fourth of July Board and deferred appointment to the Investment Advisory Board to February 22, 2005.**

### **C-2. City Administrator's Report**

**Dr. Penny Culbreth-Graft announced the City Council received its bill for the League of California Cities with a request date of January 31<sup>st</sup> for payment, but it is not a due date. Discussion was held regarding placing the item on the February 22 agenda.**

### **C-3. City Treasurer's Report**

**C-3a. (City Council) Review and Accept Shari Freidenrich, City Treasurer's December 2004 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)**

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for December 2004.

**Recommended Action:** Motion to:

Review and accept the monthly investment report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of 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.

**City Treasurer Freidenrich presented the PowerPoint report.**

**Approved 6 – 0 – 1 (Hardy absent)**

**PUBLIC HEARING**

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

**D-1. (City Council) Public Hearing Noticed to be Scheduled at this Meeting 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) –**

**The Public Hearing Will be Re-Advertised and Re-Scheduled for February 22, 2005 (440.50)**

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 reiterated public hearing is postponed.**

**E. CONSENT CALENDAR**

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

**Recommended Action:** Approve all items on the Consent Calendar by affirmative roll call vote.

**E-1. (City Council/Redevelopment Agency) Minutes (120.65) - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of January 18, 2005 and City Council Special Meeting of January 28, 2005 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.**

**Approved and adopted as amended by Late Communication. 6 – 0 – 1 (Hardy absent)**

**E-2. (City Council) Receive and File City Clerk's Passport Acceptance Facility Operations Quarterly Report for October 2004 through December 2004 (100.30) – Receive and file the Passport Acceptance Facility Report showing projected revenue of \$9,260.52 for the period of October 2004 to December 2004, as prepared and submitted by the Office of the City Clerk. Submitted by the City Clerk. Funding Source: Not applicable.**

**Mayor Pro Tem Sullivan informed of the ease of receiving passports through the City Clerk's Office. Approved 6 – 0 – 1 (Hardy absent)**

**E-3. (City Council/Redevelopment Agency) Approve 1) Grant Deed and Conveyance of Waterfront Degraded Wetlands Parcel from Redevelopment Agency to City; and 2) Execute 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:** Authorize 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. Authorize acceptance of the Deed by the City for the Degraded Wetlands Area; and 2. Approve and authorize 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.

**Approved 6 – 0 – 1 (Hardy absent)**

**E-4. (City Council) Reject all Bids for Warner Avenue Gravity Sewer, CC-1182A and Authorize Staff to Re-Advertise if Alternative Design Proves Feasible (600.60) – 1.** Reject all bids; and **2.** Authorize 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.

**Approved 6 – 0 – 1 (Hardy absent)**

**E-5. (City Council) Adopt 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.** Adopt **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.** Direct 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 by Mayor Jill Hardy. Funding Source: Not applicable. Submitted by the City Attorney. Funding Source: Not applicable.

**Adopted 6 – 0 – 1 (Hardy absent)**

**E-6. (City Council) Adopt 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, 4<sup>th</sup> of July and Halloween Downtown Activities) (800.60) – Adopt 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.

**Adopted 6 – 0 – 1 (Hardy absent)**

**E-7. (City Council) Approve Memorandum of Understanding (MOU) between the City and the Friends of Junior Lifeguards (FJL) (720.20) – Approve the Memorandum of Understanding between the City of Huntington Beach and Friends of the Junior Lifeguards,** and authorize 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.

**Approved 6 – 0 – 1 (Hardy absent)**

**E-8. (City Council) Accept Pier Plaza Flagpole Project Donated by the American Legion (160.40) – Accept the Pier Plaza flagpole project as completed by the American Legion and donated to the City of Huntington Beach.** Submitted by the Community Services Director and Acting Public Works Director. Funding Source: Not applicable; donation from American Legion.

**Mayor Pro Tem Sullivan informed item deferred to a date uncertain. Councilmember Hansen commented and thanked the American Legion for their sacrifices.**

**E-9. (City Council) Approve Concept of Temporary Parking Lot in Huntington Central Park for Shipley Nature Center and General Park Users** (920.60) – Approve concept of a temporary parking lot in Huntington Central Park to serve Shipley Nature Center and general park users. Submitted by the Community Services Director. 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 inquired of Community Services Director Jim Engle about the cost. The recommended action was amended to include approval of a City contribution not to exceed \$11,000.00 from the Park Acquisition fund.**

**Approved as amended 6 – 0 – 1 (Hardy absent)**

**E-10. (City Council) Approve Sole Source Procurement of Tot Lot Playground Equipment from Dave Bang & Associates, Inc. for Sun View, Lake View, and McCallen Parks** (600.10) – Approve 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.

**Approved 6 – 0 – 1 (Hardy absent)**

**E-11. (City Council) Adopt Annual Disadvantaged Business Enterprises (DBE) Goal for Fiscal Year 2004-2005** (340.70) – Adopt 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.

**Adopted 6 – 0 – 1 (Hardy absent)**

**E-12. (Redevelopment Agency) Approve 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.** Approve the *Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Kane, Ballmer & Berkman for Legal Counsel Services*, and authorize the Chairman and the Agency Clerk to execute the agreement; and **2.** Approve the *Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Best, Best & Krieger LLP for Legal Counsel Services* and authorize 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.

**Approved 6 – 0 – 1 (Hardy absent)**

**E-13. (City Council) Adopt 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) - 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.”* Submitted by the Acting Administrative Services Director. 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 concurred with public speaker that this type of item and the following are not routine and should not be Consent Calendar items.**

**Adopted 6 – 0 – 1 (Hardy absent)**

**E-14. (City Council) Adopt 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) - 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."** Submitted by the Acting Administrative Services Director. 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).

**Mayor Pro Tem Sullivan informed of his concurrence with the public speaker as well, and requested that the item be an administrative item in the future.**

**Adopted 6 – 0 – 1 (Hardy absent)**

**E-15. (City Council) Adopt the Citywide Urban Runoff Management Plan (CURMP) (520.15) – Adopt the Citywide Urban Runoff Management Plan.** Submitted by the Acting Public Works Director. Funding Source: Not required to adopt the CURMP.

**Councilmember Bohr spoke relative to speaker's public comments regarding the Environmental Board Review. City Administrator Culbreth-Graft reported that the Management Plan is a living document, amendments can be made and there is widespread distribution.**

**Adopted 6 – 0 – 1 (Hardy absent)**

**F. Administrative Items - None**

**G. Ordinances**

**G-1. Interim Ordinance for Adoption**

**G-1a. (City Council) Adopt Interim Ordinance No. 3697 Imposing a 45 Day Moratorium on Permit Issuance to Medical Marijuana Dispensaries (570.10)** Communication from the City Attorney, the Police Chief and the Planning Director transmitting **Ordinance 3697 - "An Interim Ordinance of the City of Huntington Beach Imposing a Moratorium on Medical Marijuana Dispensaries."**

**Recommended Action:** After the City Clerk reads by title, adopt **Interim Ordinance No. 3697**, with specific findings regarding the detriment to the public's health, safety and welfare b with specific findings regarding the detriment to the public's health, safety and welfare by roll call vote.

Communication submitted by citizen is included in the agenda packet.

Five (5) affirmative votes are required to adopt this Ordinance per Health & Safety Code §5474

***Captain Dan Johnson spoke on behalf of Police Chief Kenneth Small regarding problems and concerns over public health and safety. Councilmember Cook stated inequal treatment of a drug as the reason for her opposition to a moratorium imposed for medical marijuana.***

→ ***Adopted Failed 5 – 1 – 1 (Cook – No, Hardy – Absent)***

## **G-2. Ordinances for Introduction**

**G-2a. (City Council) Approve for Introduction Ordinance No.3695 Amending Chapters 13.54 and 12.32 of the Municipal Code Relating to the 4<sup>th</sup> of July Parade Viewing (960.30)** – 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 4<sup>th</sup> of July parade. - **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 4<sup>th</sup> of July Parade Viewing.”*  
**Recommended Action:** After the City Clerk reads by title, approve for introduction **Ordinance No. 3695**, by roll call vote.

***City Attorney Jennifer McGrath reported. Captain Johnson reported. Councilmember Hansen made a motion to amend time from 9 a.m. to 7 a.m. and approve for introduction. Approved for introduction as amended 6 – 0 – 1 (Hardy absent)***

**G-2b. (City Council) Approve 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) - 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.”*

**Recommended Action:** After the City Clerk reads by title, approve for introduction **Ordinance No. 3696**, by roll call vote.

***Approved for introduction 6 – 0 – 1 (Hardy absent)***

**G-2c (City Council) Approve 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) – 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.”*

**Recommended Action:** After the City Clerk reads by title, approve for introduction **Ordinance No. 3698**, by roll call vote.

***Approved for introduction 6 – 0 – 1 (Hardy absent)***

**H. City Council/Redevelopment Agency Items****H-1a. Submitted By Councilmember Gil Coerper**

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

**Recommended Action:**

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. ***Councilmember Coerper reported. Acting Public Works Director Paul Emery responded to Councilmember Cook's inquiries. Councilmember Cook and Mayor Pro Tem Sullivan stated reasons for their opposition. Economic Development Director David Biggs reported regarding Redevelopment Funds, stating this is part of the enhancement area. Approved 4 – 2 – 1 (Sullivan, Cook – No, Hardy – absent)***

**H-2a. Submitted By Councilmember Don Hansen****(City Council) Adopt Minute Action Formally Opposing Any Freeway Extension Involving State Route 57 to Interstate 405 and Pacific Coast Highway Following the Santa Ana River and Direct the Mayor to Forward a Letter to the OCTA (Orange County Transit Authority) (120.70)**

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.

**Recommended Action:**

Council 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.

***Councilmember Hansen reported.***

***Discussion was held regarding extensions to State Route 57.***

***Approved 6 – 0 – 1 (Hardy absent)***

**Council Comments - (Not Agendized)**

***Councilmember Coerper commented on the Pacific Marathon held on February 6, 2005. He reported there were over 7,000 entries and recognized the volunteer groups.***

***Councilmember Sullivan commented on the marathon finishers and the medals given to children.***

***Councilmember Green announced that she will take the Mayor's letter to OCTA on Monday, February 14, 2005.***

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

**Council/Agency Adjournment at 7:22 p.m. to adjourn to Tuesday, February 22, 2005, at 4:00 p.m. in observation of the Presidents' Day Holiday Closed Session Special Meeting on Monday, February 14, 2005 at 4:30 p.m. in Room B-8, Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California.**

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