

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

Tuesday, February 17, 2004  
5:00 P.M. - Room B-8  
7:00 P.M. - Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting  
and a videotape of the 7:00 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

**Call to Order**

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Sullivan, Hardy, Green, Cook (Coerper arrived at 5:10 p.m.)  
Absent: Boardman, Houchen

**Public Comments**

**John Von Holle** spoke in support of Councilmember Pam Houchen's agenda item regarding the Fourth of July beach fireworks, stating that the City should not live in fear of terrorism, and urged that the proposed beach fireworks event take place.

**(City Council) Study Session Held – Presentation Made by the Fire Department  
Introducing the City's New Emergency Operations Plan - Including a Terrorist Response  
Plan ( . )**

Fire Chief Duane Olson reported. Chief Olson informed Council concerning the City's New Emergency Operations Plan (EOP), which was prepared by the Fire Department.

Emergency Services Coordinator Glorria Morrison requested Council approval of the updated City's Emergency Operations Plan, including the Terrorist Response Plan, as a Consent Calendar agenda item later in the meeting. Ms. Morrison stated that the final form of the EOP would be double-sided and the binder would have a new cover titled *Surf City Gets Prepared*.

Emergency Services Coordinator Glorria Morrison presented a PowerPoint report (undated) titled *City of Huntington Beach Emergency Operations Plan*, which was included in the agenda packet. The report highlights addition of new issues in the (EOC) Emergency Operations Center Plan, such as Violence in the Workplace, Terrorism and Epidemics.

Fire Chief Olson and Ms. Morrison responded to Council inquiries regarding 1) FEMA (Federal Emergency Management Agency) grant writing approval; 2) ongoing training of the Police and Fire Departments, 3) management and employee training is scheduled for the last quarter of 2004; 4) the impact if the Fire Department were to join the Orange County Fire Authority; and 5) that WMD (Weapons of Mass Destruction) training has been incorporated in the Saturday CERT (Community Emergency Response Team) classes.

City Administrator Ray Silver informed Council of his role and that the Huntington Beach Municipal Codes (HBMC) Chapter 8.60 explains the process the city would follow in the event of an emergency.

Mayor Cathy Green and Councilmember Gil Coerper thanked Ms. Morrison for doing such a superb job.

### **Motion to Recess to Closed Session – Approved**

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

AYES: Sullivan, Coerper, Hardy, Green, Cook

NOES: None

ABSENT: Boardman, Houchen

**City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Ray Silver, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding **labor relations matters – meet and confer** with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA** and **Non-Associated**. (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 **Charles Nowotny v. Johnson, City of Huntington Beach, et al.**; U.S. District Court Case No. CV 99-13098-FMC (consolidated with Case No. CV01-9842). Subject: **Charles Nowotny v. Johnson, City of Huntington Beach, et al.** (120.80)

### **Reconvened City Council/Redevelopment Agency Meeting – 7:20 P.M. – Council Chambers.**

#### **City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

Absent: None

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

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

**Pledge of Allegiance** – Led by Mayor Cathy Green

**Invocation** – Offered by Reverend Daniel Smith

**The Assistant City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehring announced Late Communications regarding agenda items that had been received by the City Clerk's Office following distribution of the agenda packet:

Communication submitted by the City Clerk's Office correcting typographical errors on the Council/Agency minutes dated December 15, 2003, page 28 and Council/Agency minutes dated January 12, 2004, page 6.

Communication submitted by the Director of Public Works (undated) titled *Attachment A* highlighting the various streets scheduled for improvement regarding the Consent Calendar item concerning reconstruction of various residential street improvements.

Communication submitted by Brenda Julian dated February 13, 2004 and titled *4<sup>th</sup> of July Fireworks*, stating her support for the proposed 100th-year anniversary fireworks spectacular.

Communication submitted by Norm "Firecracker" Westwell dated February 15, 2004 and titled *Late Communication for 2/17/04 City Council Meeting – Statement of Support for item H-1a Fireworks at the Beach*, stating his support for the proposed Fourth of July fireworks display returning to the beach.

Communication submitted by Julie Bixby dated February 14, 2004 and titled *4<sup>th</sup> of July Fireworks*, in favor of the proposed fireworks show at the beach.

Communication submitted by Steve Bone, President and CEO of The Robert Mayer Corporation, dated February 5, 2004 (untitled) stating his support for the proposed public display of fireworks off the City's beach this July 4<sup>th</sup>.

Communication submitted by Jon S. Groth, Store Manager of Wal\*Mart, dated February 17, 2004 (untitled), stating his support of having the Fourth of July fireworks at the Pier.

Communication submitted by Joe Shaw and Richie Lam of California Greetings Cards & Gifts, dated February 17, 2004 and titled *Late Communication for Council Meeting* in support of the proposed Fourth of July fireworks show at the beach.

Communication submitted by Douglas C. Traub, President & CEO of Huntington Beach Conference and Visitors Bureau, dated February 17, 2004 and titled *Late Communication to City Council*, in support of the proposed Fourth of July fireworks at the beach.

Communication submitted by John Del Favero, Assistant Manager, Ruby's Diner, dated February 17, 2004 and titled *Late Communications for Council Agenda* in support of the proposed Fourth of July fireworks display.

Communication submitted by Steve Daniel, Rocky Mountain Chocolate Factory, dated February 17, 2004 and titled *Fourth of July Fireworks* in support of the proposed fireworks in Downtown Huntington Beach.

Communication submitted by Anthony Ourenzo dated February 12, 2004 and titled *Fireworks On Beach/City Sued For Endangering Residents* in opposition to the proposed fireworks on the beach.

Seven communications submitted by Sue Dominguez dated February 13, 2004 (untitled), addressed to individual Councilmembers, Mayor Cathy Green and Mayor Pro Tem Jill Hardy in opposition to the proposed fireworks on the beach.

Communication submitted by Marie St. Germain dated February 17, 2004 and titled *Fireworks Display at the Beach* in opposition to the proposed fireworks at the beach.

Communication submitted by Gail Hutton, Attorney at Law, dated February 17, 2004 and titled *H-1A Item of Councilwoman Pam Julien Houchen - Revised Proposal for Beach Fireworks Show July 4, 2004*, urging Council's support of the revised proposal to permit a beach fireworks show this Fourth of July.

**The Following Additional Late Communications Were Submitted During the Meeting:**

Communication submitted during the Presentation portion of the meeting by Ken Inouye, Orange County Human Relations Commissioner, dated Winter 2003-2004 titled *Building Bridges - the Newsletter of OC Human Relations*, a newsletter describing Orange County Human Relations programs.

Communication submitted during the Presentation portion of the meeting by Ken Inouye, Orange County Human Relations Commissioner, dated 2002-2003 titled *Annual Report* describing Orange County Human Relations programs and members.

Communication submitted during the Public Comments portion of the meeting by Bill Bernard dated January 3, 2004 titled *The Economist – Special Report - American Politics*, which is a copy of a magazine article that presents information in opposition to districting.

Communication submitted by Topper Horack dated February 17, 2004 titled *Districting* transmitting a PowerPoint report which was presented at the February 17, 2004 City Council meeting during the Public Comments portion of the meeting. Assistant City Clerk Liz Ehring requested a copy of the report for the official record.

**Presentation** made by Mayor Cathy Green, who along with Fire Chief Duane Olson congratulated Huntington Beach Firefighter Edward Hadfield for receiving the honor of "Training Officer of the Year" for the State of California. Fire Chief Olson stated that Firefighter Hadfield is active in the training of search and rescue. (160.40)

**Presentation** made by Ken Inouye, Orange County Human Relations Commissioner, to Mayor Cathy Green, who accepted on behalf of the City of Huntington Beach. Mr. Inouye gave special recognition to the Huntington Beach Police Department. Police Chief Kenneth Small, Lieutenant Janet Perez and Officer Bruce Bradley accepted for the Police Department. (160.40)

**Mayor's Award** presented by Mayor Cathy Green and Fire Chief Duane Olson to FireMed Coordinator Jane Cameron from the Fire Department. Fire Chief Olson thanked Jane Cameron for her long-term dedication and hard work during her seventeen years of service to the City of Huntington Beach. (160.40)

### **Public Comments**

**William Davis**, representing Teamsters Local 911 and the Huntington Beach Municipal Employees Association (MEA), thanked Council for the swift approval of the Side Letter to the Memorandum of Understanding regarding MEA Health Benefits.

**Richard Kolander** spoke in favor of Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election and presented a slide report stating that Federal, State and County levels have one member each representing the voters. Assistant City Clerk Liz Ehring requested a copy of the report for the official record.

**Russell Reinhart**, representing the HBPOA (Huntington Beach Police Officers' Association), stated that reports furnished by the Huntington Beach Police Officers' Association show that it is not the 3% at age 50 retirement formula that is costing unanticipated monies, it is that the City should budget a percentage of funding towards the retirement plan. Officer Reinhart stated this as a reason for the HBPOA support of Measure E, the Districting Initiative.

Councilmember Sullivan stated that he had not named the previous speaker in a newspaper column, but that the police officer had named Councilmember Sullivan, and cited excerpts.

**Chuck Scheid** informed Council that he received a check for \$26.02 for the Property Tax Refund Claim he filed. He stated his belief that the City is again using the tax override in an illegal manner. Mr. Scheid left a contact website address of [cwscheid@aol.com](mailto:cwscheid@aol.com).

**Kevin Ives**, owner of Inka Grill in Downtown Huntington Beach, spoke in favor of Council approval of the proposed Fourth of July beach fireworks display. Mr. Ives stated his belief that because of the event people will stay downtown all day, which would be of economic benefit to the City of Huntington Beach.

**Matt Liffreing** spoke in favor of the proposed Fourth of July fireworks display at the beach and urged Council to approve Councilmember Houchen's agenda item.

**Valerie Boston**, representing International Fireworks, offered assistance to the city for the proposed production of a fireworks event at the beach. Ms. Boston brought a copy of the CFR (Code of Federal Regulations) Chapter 1, United States Coast Guard regulations Series 100, and other state regulations.

Ms. Boston offered the above mentioned information to the next speaker, Margie Buntun, upon Mayor Cathy Green's request.

A copy of Ms. Boston's information for the official public record was subsequently requested.

Councilmember Cook inquired of Ms. Boston concerning fireworks material that falls into the water. She stated the by-products are completely biodegradable.

**Margie Bunten**, Fireworks Chair for Fourth of July Executive Board, spoke in favor of Councilmember Houchen's agenda item concerning a proposed beach fireworks display. Ms. Bunten publicly thanked Councilmember Houchen for bringing the agenda item forward. Ms. Bunten cited a letter from Steve Bone of the Mayer Corporation in support of beach fireworks.

Councilmember Coerper inquired regarding the proposed beach lighting and Ms. Bunten stated Police Chief Small has the information he requested.

**Ron McLin**, representing the Longboard Restaurant, spoke in favor of the proposed fireworks show as a "safe and sane" positive family-oriented event. Mr. McLin urged Council to reconsider a fireworks show at the beach.

**Justin Weiler** spoke in favor of the proposed Fourth of July beach fireworks event. Mr. Weiler gave reasons why he believes the City of Huntington Beach should have the fireworks celebration to commemorate the Fourth of July Parade Centennial.

**Leonard Crane** spoke regarding Community Development Block Grant (CDBG) funds that he would like used for the Huntington Beach clinic that takes care of children. Mr. Crane also stated that he is in favor of the proposed Fourth of July beach fireworks event.

**Bryan Houchen** spoke of having attended an event during which he met a current Councilmember whom he later married. Mr. Houchen spoke in favor of Councilmember Houchen's agenda item. He stated his belief that the proposed beach fireworks show would be a positive family-oriented event and also good for the city for economic reasons. Mr. Houchen urged Council to reconsider a fireworks show at the beach.

**Shirley Lewis**, representing Women of Action, spoke in favor of the proposed Fourth of July beach fireworks event. Ms. Lewis gave reasons why she believes the City of Huntington Beach should have the fireworks celebration to commemorate the Fourth of July Parade Centennial.

**Joe Jeffrey** spoke in favor of Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. Mr. Jeffrey stated his support for the proposed Fourth of July beach fireworks event.

**Flossie Horgan** spoke in opposition to Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. She described a Bolsa Chica project and how it was affected by what she termed as a "districting prerogative." Ms. Horgan stated a change of the open system will place the Bolsa Chica in one district.

**Ralph Bauer** spoke in opposition to Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. Dr. Bauer gave reasons for his opposition including the reduction of representation from seven Councilmembers to one.

**Bill Bernard** spoke in opposition to Measure E, the Districting Initiative. He brought an article from a magazine titled *The Economist* and cited an excerpt describing districts. Mr. Bernard provided copies for Council.

Assistant City Clerk Liz Ehring requested a copy of the article for the official public record.

**John McGregor** spoke in opposition to Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. Mr. McGregor gave reasons such as reducing representation from seven Councilmembers to one and stated his beliefs concerning special interests.

**Mary Jo Baretich** stated her opposition to Measure E, the Districting Initiative and gave reasons for her opposition including the reduction of representation from seven Councilmembers to one.

**Tim Geddes** spoke in opposition to Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. Mr. Geddes gave reasons why he believes Measure E would be unfavorable for the City of Huntington Beach, such as reducing representation from seven Councilmembers to one and stated his beliefs concerning special interests.

**Marinka Horack** spoke in opposition to Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. She gave reasons why she believes Measure E would be negative for the City of Huntington Beach such as dividing the city and reducing Councilmember representation from seven Councilmembers to one. Mrs. Horack stated her belief that all zip codes in Huntington Beach are currently represented by Councilmembers.

**Topper Horack** presented a PowerPoint slide report in opposition to Measure E, the Districting Initiative. He stated his belief that the South East Huntington Beach Neighborhood would not have representation because of the districting boundaries. He stated his belief that the Districting measure would be detrimental to the city by reducing representation from seven Councilmembers to one and stated his beliefs concerning special interests.

Assistant City Clerk Liz Ehring requested a copy of the PowerPoint report for the official public record.

**Steve Ray** spoke in opposition to Measure E, the Districting Initiative on the ballot for the March 2, 2004 Special Municipal Election. He defined "districting prerogative" mentioned by a previous speaker. Mr. Ray spoke in favor of the proposed Fourth of July beach fireworks celebration.

**(City Council) Approved Request to Bring Forward Agenda Item Submitted By Councilmember Pam Houchen Regarding the Fourth of July (4<sup>th</sup> of July) Fireworks Display for Year 2004 Only – the Fourth of July Centennial Celebration – to be Launched from Ocean Barges Located between the Waterfront Hilton Hotel and the Hyatt Regency Hotel and Spa ( . )**

Councilmember Houchen requested her agenda item concerning the relocation of the Fourth of July fireworks display to the beach for centennial year 2004 only be brought forward as the first agenda item to be considered at the meeting.

A motion was made by Houchen, second Cook to move forward for consideration the agenda item regarding the One-Time Relocation of the Fireworks Display for the (4<sup>th</sup> of July) Fourth of July, 2004 to be Launched from an Ocean Barge Located between the Waterfront Hilton Hotel and the Hyatt Regency Hotel and Spa.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

NOES: None

ABSENT: None

**(City Council) Approved the One-Time Relocation of the Fireworks Display for the (4<sup>th</sup> of July) Fourth of July, 2004 to be Launched from an Ocean Barge Located between the Waterfront Hilton Hotel and the Hyatt Regency Hotel and Spa (960.30)**

The City Council considered a communication from Councilmember Pam Houchen transmitting the following **Statement of Issue:** At the January 20, 2004, City Council Meeting, some Council Members expressed concerns regarding relocating fireworks to the beach for the 100<sup>th</sup> anniversary of the 4<sup>th</sup> of July Celebration. I am bringing this issue back to the Council because of the overwhelming response from business and community leaders and the general public, who have expressed their strong desire to hold fireworks at the beach. This outpouring of community support has continued to build since the January 20th Council discussion.

Based on comments by Council and staff, the 4<sup>th</sup> of July Board has modified its plan to include the following:

The fireworks will be launched from a barge located between the Hyatt and the Hilton. This will remove activity from the pier and Main Street area, which has been a concern in the past.

The event will include adequate safety lighting that will keep the beach area illuminated before and after the show.

The 4<sup>th</sup> of July Board will raise funds to cover all additional costs required to safely produce the event, including additional police, fire or lifeguard services.

The 4<sup>th</sup> of July Board is asking that this be a one-time relocation, for one year only to celebrate the 100<sup>th</sup> anniversary of our longest held community tradition. The Board is prepared to raise the additional funds necessary to cover all costs associated with the event, making the event financially self-supporting. There will be no cost to the city.

Communication from the Huntington Beach Youth Board dated February 10, 2004 titled *Fireworks at the Beach* in favor of Councilmember Houchen's agenda item was included in the agenda packet.

Councilmember Houchen reported. She gave reasons she believes Council should approve the recommended action of her agenda item.

Councilmember Sullivan presented what he described as the procedure for reconsideration of agenda items according to *Robert's Rules of Order* (Parliamentary Procedures). He inquired of City Attorney Jennifer McGrath as to the reason for reconsideration, since Council had previously considered the item relative to fireworks at the beach at the January 20, 2004 City Council meeting.

City Attorney Jennifer McGrath responded. She informed Council that this agenda item differs from the previous agenda item concerning proposed fireworks at the beach because it specifies: 1) location; 2) cost; and 3) lighting, which were not addressed in the previous agenda item.

Councilmember Hardy inquired concerning the procedure for Council's vote on a motion to reconsider.

City Attorney McGrath clarified that according to the Brown Act, as long as an item is properly agendaized, Council can vote on the item.

Considerable discussion was held among Council and staff.

Police Chief Kenneth Small reported on street lighting issues, the number of Police Officers to be assigned to the event, and estimated costs. Chief Small stated the closure of Pacific Coast Highway is not being anticipated for the fireworks show at the beach.

Pat Stier, Chair of Fourth of July Executive Board, responded to Councilmember Boardman's inquiry regarding expectations concerning spectators at the beach fireworks event. Ms. Stier stated more sponsors would donate to the Fourth of July event if the fireworks show is held at the beach.

Councilmember Sullivan inquired of Community Services Director Jim Engle, who confirmed there will be beach clean-up after the fireworks event.

Fire Chief Duane Olson reported on emergency access and staffing concerns expressed by Councilmember Sullivan.

Chair Stier confirmed the Fourth of July beach fireworks event will be self-supporting and the fireworks show would not take place if costs cannot be met by the Fourth of July Board.

A motion was made by Cook, second Boardman to call for the question:

The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Boardman, Cook, Houchen  
NOES: Sullivan, Green  
ABSENT: None

Mayor Cathy Green stated that by calling for the question at that time she was unable to comment on the above agenda item concerning beach fireworks.

A motion was made by Houchen, second Coerper to:

Approve the relocation of the 2004 Fourth of July fireworks display to be launched from an ocean barge located between the Hilton and Hyatt hotels. The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Cook, Houchen

NOES: Sullivan, Boardman

ABSENT: None

**(City Council) Accepted the Resignation of Flint Morrison and Approved the Appointment of David S. Barton to the Personnel Commission with a Term to Expire June 30, 2004.**

(110.20)

The City Council considered a communication from Mayor Pro Tem Jill Hardy and City Councilmembers Dave Sullivan and Gil Coerper, Liaisons to the Personnel Commission transmitting the following **Statement of Issue**: Council liaisons to the Personnel Commission have reviewed applications to fill one current vacancy on the Personnel Commission due to the resignation of a member in November 2003.

Mayor Pro Tem Jill Hardy reported. She informed Council thirty applicants had applied for the position of Personnel Commissioner.

A motion was made by Hardy, second Sullivan to accept the resignation of Flint Morrison and approve the appointment of David S. Barton with a term to expire June 30, 2004. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Cook, Boardman

NOES: None

ABSENT: None (Houchen out of room)

**(City Administrator's Report) Announcement Made Highlighting the Departments of Economic Development and Public Works Regarding the Consent Calendar Agenda Item to Approve Plans and Specifications and Authorize the Advertisement for Bids for Reconstruction of Various Residential Street Improvements (including Streets Funded with Community Development Block Grant (CDBG) Funds); MSC-421 (600.90)**

City Administrator Ray Silver highlighted the Consent Calendar agenda item to approve plans and specifications and authorize the advertisement for bids for reconstruction of various residential street improvements (including streets funded with Community Development Block Grant (CDBG) Funds); MSC-421.

Public Works Director Robert F. Beardsley reported. Mr. Beardsley gave a PowerPoint presentation (undated) titled *Authorize the Construction of Various Street and Sidewalk Improvements – MSC 421* which was included in the agenda packet. The report included a map of the existing street locations scheduled for the proposed improvements.

**Consent Calendar – Items Removed for Separate Discussion**

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

(City Council) Community Services Commission's Park Naming and Memorials Committee Recommendations for South Beach Phase II: (1) Park (Unofficially Referred to as Holmby or Promenade) Located at Seagate and Promenade to be Named "Peter Green Park;" and (2) Junior Lifeguard Facility at the City Beach to be Named "Marine Safety Educational Center, Home of the Junior Lifeguards."

(City Council) Plans and Specifications and the Director of Public Works to Advertise for Bids for Year 2003-04 Sewer Rehabilitation Project; CC-1231

**Consent Calendar – Items Approved**

On motion by Coerper, second Sullivan Council approved **as amended** by; 1) Late Communication announced earlier by Assistant City Clerk Liz Ehrling to revise the minutes of December 15, 2003 on page 28 and January 12, 2004 on page 6 and; 2) Late Communication announced earlier by Assistant City Clerk Liz Ehrling highlighting the various street improvements in Attachment A regarding the agenda item concerning Plans and Specifications and Authorize the Director of Public Works to Advertise for Bids for Reconstruction of Various Residential Street Improvements; MSC-421, the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: None (Houchen out of room)  
ABSTAIN: Boardman on December 18, 2003 minutes

**(City Council/Redevelopment Agency) Minutes** (120.65) - Approved and adopted **as amended** by the Late Communication announced earlier by Assistant City Clerk Liz Ehrling requesting revision of the minutes of December 15, 2003 on page 28 and January 12, 2004 on page 6. Also approved and adopted were the minutes of the City Council/Redevelopment Agency Regular Meetings of November 17, 2003 and December 1, 2003; Adjourned Regular Meetings of December 8, 2003; Regular Meetings of December 15, 2003; Special Meetings of December 18, 2003; Regular Meetings of January 5, 2004 and Adjourned Regular Meetings of January 12, 2004 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

**(City Council) Approved the Community Services Department's 2004 Project Self-Sufficiency (PSS) Action Plan** (570.50) – Approved the Community Services Department's *Huntington Beach Project Self-Sufficiency Action Plan 2004*. Submitted by the Community Services Director. Funding Source: None.

**(City Council) Adopted Resolution No. 2004-12 Approving the Acceptance of Funds from the Local Assistance Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (for Safety Rail and Access and Beach Path Improvements)** (340.80) – Adopted **Resolution No. 2004-12** – “*A Resolution of the City Council of the City of Huntington Beach Approving the Acceptance of Funds from the Local Assistance Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000.*” Submitted by the Community Services Director. Funding Source: State of California, Local Assistance Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000.

**(City Council) Adopted Resolution No. 2004-13 Approving the Updated City’s Emergency Operations Plan (Including Terrorist Response Plan) Prepared by the Fire Department** (510.20) – Adopted **Resolution No. 2004-13** – “*A Resolution of the City Council of the City of Huntington Beach Approving the City’s Emergency Operations Plan.*” Submitted by the Fire Chief. Funding Source: None required. (Refer to Study Session for introduction of the Plan.)

**(City Council) Approved the Purchase of Two Replacement Fire Department Ambulances and Authorized Appropriation of Funds** (320.45) – **1.** Approved the purchase of two replacement ambulances; and **2.** Approved an appropriation of \$175,130 from the FireMed Fund balance to the Equipment Replacement Fund. Submitted by the Fire Chief. Funding Source: As stated above.

**(City Council) Approved Agreement between the City and the County of Orange Authorizing Transfer of Weapons of Mass Destruction (WMD) Equipment to the City Pursuant to 2003 State Homeland Security Grant** (600.25) – Approved and authorized the Mayor and City Clerk to execute the *Agreement to Transfer Equipment for FY 2003 State Homeland Security Grant Purposes* authorizing the County of Orange to transfer WMD equipment to the City of Huntington Beach. Submitted by the Fire Chief. Funding Source: None required.

**(City Council) Adopted Resolution No. 2004-14 Finding and Declaring Weeds and Rubbish a Public Nuisance and Fixing April 19, 2004 as the Administrative Public Hearing Date for Protests and Objections to the Abatement Thereof** (520.80) Adopted **Resolution No. 2004-14** - “*A Resolution of the City Council of the City of Huntington Beach Finding and Declaring That Certain Weeds Growing in the City, and Rubbish and Refuse Deposited on Public Ways and Private Property are a Public Nuisance; and Fixing the Time for Hearing Protests and Objections to the Abatement Thereof*” for **April 19, 2004**. Submitted by the Public Works Director. Funding Source: No funds are required at this time.

**(City Council) Approved As Amended Plans and Specifications and Authorized the Director of Public Works to Advertise for Bids for Reconstruction of Various Residential Street Improvements; MSC-421** (600.90) – Approved **as amended** by Late Communication announced earlier by Assistant City Clerk Liz Ehring highlighting the various street improvements in Attachment A regarding the project plans and specifications and authorized the Director of Public Works to request public bids for the reconstruction of various residential streets, MSC-421. Submitted by the Economic Development Director and the Public Works Director. Funding Source: \$500,000 – Measure M Fund, Pedestrian Improvement Account and \$392,856 – Community Development Block Grant Fund, Curb/Sidewalk Construction 03/04 Account. (The *Request for Council Action* (RCA) lists Sunlight Drive, Rambler Drive, Thunderbird Circle and Sparrow Drive, along with those streets qualifying for Community Development Block Grant (CDBG) funds: Fir Drive, Emerald Lane, Cypress Avenue, Michael Drive and Darsy Drive.)

**(City Council) Accepted Bid and Awarded Construction Contract to J. A. Salazar Construction Company for Well No. 8 Pipeline (Water Improvements); CC-1192 (600.75) –**  
1. Accepted the lowest responsive and responsible bid submitted by J.A. Salazar Construction Co. in the amount of \$173,000; and 2. Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: \$200,000 – Water Fund Account, Well No. 8 Water Improvements.

**(City Council) Approved the Release of the Guarantee and Warranty Bond for Tract No. 15728 Located at S/E Corner of Edwards Street and Garfield Avenue (Developer – Christopher Homes) (420.60) –** 1. Released Guarantee and Warranty Bond No. 3SM95622300-A, the security furnished for guarantee and warranty of improvements; and 2. Instructed the City Clerk to notify the developer, Christopher Homes, of this action, and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action. Submitted by the Public Works Director. Funding Source: Not Applicable.

**(City Council) Approved the Release of Securities for Tract No. 15795 Located on S/W Corner of Palm Avenue and Goldenwest Street – Approved the Notice of Acceptance of Public Improvements (Developer, PLC) (420.60) -** 1. Accepted the improvements constructed and dedicated for public use with Tract No. 15795; and 2. Accepted the Guarantee and Warranty Bond No. 3SM987509-A; 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 Faithful Performance/Labor and Material Bond No. 3SM98750900; and Monument Bond No. 3SM98751000 pursuant to California Government Code Section No. 66499.7(b); and 4. Instructed the City Clerk to notify the developer, PLC of this action and the City Treasurer to notify the Surety, **American Motorists Insurance Company**, of this action; and 5. Instructed the City Clerk to record the “Notice of Acceptance of Public Improvements” (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

**(City Council) Approved the Community Services Commission’s Park Naming and Memorials Committee Recommendations for South Beach Phase II: (1) Approved Park (Unofficially Referred to as Holmby or Promenade) Located at Seagate and Promenade to be Named “Peter Green Park;” and (2) Approved Junior Lifeguard Facility at the City Beach to be Named “Marine Safety Educational Center, Home of the Junior Lifeguards” (130.55)**

Councilmember Debbie Cook requested that this agenda item be removed from the Consent Calendar to discuss the city policy regarding naming city parks. She recommended analysis of the current policy of naming city parks after former Mayors. Councilmember Cook stated her belief that parks should be named after outstanding public servants who have been deceased at least twenty-five years.

A motion was made by Sullivan, second Hardy to:

1. Approve naming the park at Seagate and Promenade, previously referred to as Holmby or Promenade Park, the "Peter Green Park," as recommended by the Community Services Commission;

**and**

2. Approve naming the new Junior Lifeguard facility on the City Beach the "Marine Safety Educational Center, Home of the Junior Lifeguards," as recommended by the Community Services Commission.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green  
NOES: Boardman, Cook  
ABSENT: None (Houchen out of room)

**(City Council) Approved Plans and Specifications and Authorized the Director of Public Works to Advertise for Bids for Year 2003-04 Sewer Rehabilitation Project; CC-1231 (600.60)**

Councilmember Dave Sullivan requested that this agenda item be removed from the Consent Calendar to inquire concerning the boundaries of the sewer rehabilitation project. He commented that this project would be beneficial to the South East Huntington Beach neighborhood.

A motion was made by Sullivan, second Coerper to approve the project plans and specifications and authorize the Director of Public Works to request public bids for the construction of the 03-04 Sewer Rehabilitation Project; CC-1231.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: None (Houchen out of room)

**(City Council) Approved As Amended - A Policy Regarding Abstention from Using Cell Phones at Council Meetings and Council Committee Meetings with the Exception of Fire Chief and Police Chief Who Will Put Cell Phones on Vibrating Mode (100.10)**

The City Council considered a communication from Councilmember Connie Boardman transmitting the following **Statement of Issue**: I propose that the Council adopt a policy of Council Members turning cell phones off during all Council Meetings, both closed and open sessions as well as Council committee meetings. Family members can still reach us in an emergency by calling the phone in the caucus room or in the case of a committee meeting, calling our Administrative Assistant.

Discussion was held concerning the use of cell phones at Council meetings.

A motion was made by Sullivan, second Coerper to adopt a policy that Councilmembers and staff turn cell phones off during all Council Meetings and Council committee meetings, with the exception of the Fire Chief and the Police Chief who will put cell phones on vibrating mode.

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook  
NOES: None  
ABSENT: None (Houchen out of room)

**(City Council) Announcement Made by Councilmember Coerper Regarding Eagle Scout Code of Honor ( . )**

Councilmember Gil Coerper announced having attended an event regarding Matt Bell, a youth who worked on the Eagle Scout Code of Honor.

**(City Council) Announcement Made by Councilmember Sullivan Concerning Event for Slain Westminster Police Officer ( . )**

Councilmember Dave Sullivan stated he was impressed with an event honoring a slain Westminster Police Officer.

**(City Council) Congratulations Extended to Participants in the Miss Huntington Beach Pageant ( . )**

Mayor Pro Tem Jill Hardy announced having attended the Miss Huntington Beach Pageant and named runner-ups and Miss Huntington Beach Ruth Stainer. She congratulated the participants.

**Adjournment – City Council/Redevelopment Agency**

Mayor Cathy Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, March 1, 2004, at 5:00 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