

**Adjourned Regular Meeting  
Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

Monday, January 12, 2004  
3:30 P.M. – Room B, Central Library  
7111 Talbert Avenue  
Huntington Beach, California 92648

An audiotape of the 3:30 p.m. portion of this meeting  
are on file in the Office of the City Clerk.

**Call to Order**

Mayor Green called the adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 3:30 p.m. in Room B, Central Library.

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

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy (Houchen arrived at 3:40 p.m.)

Absent: None

**The Assistant City Clerk Announced Late Communications**

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Elizabeth 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 Mayor Cathy Green dated January 12, 2004 and titled *Community Participation in the Recruitment of the Next City Administrator*.

Communication from Scott Larsen, MA dated January 12, 2004, in opposition to proposed Ordinance No. 3632 (formerly Emergency), revised as Regular Ordinance No. 3633.

Communication from Ron Rodarte, dated January 12, 2004, in opposition to proposed Ordinance No. 3632 (formerly Emergency), revised as Regular Ordinance No. 3633.

Communication from Linda Valdez, dated January 12, 2004, in opposition to proposed Ordinance No. 3632 (formerly Emergency), revised as Regular Ordinance No. 3633.

**Late Communication Submitted During the Meeting**

Communication distributed by Mayor Green revising the Community Participation list attached to Late Communication memo.

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

Communication received from Don Boland dated January 12, 2004 re Labor Relations Closed Session item titled Huntington Beach Firefighters Association.

**Public Comments**

**Russel Reinhart**, representing the HB Police Officers Association presented reasons in favor of CALPERS as the best health insurance benefit plan.

**Dennis Hashin** spoke in favor of CALPERS plan and presented his calculations. Mr. Harshin also said that the plan has no tax liability.

**Irwin Fuerstein** presented reasons why CALPERS was the best way for the City to go for the long term.

**Donald Boland**, representing the HB Firefighters Association submitted a Late Communication regarding health plan proposals.

**Allan Beek** spoke against the proposed Ordinance No. 3633, stating that banning signs is inappropriate.

**Chuck Scheid** spoke in favor of 3% at age 50 in health benefits and his preference for CALPERS plan, provided it would be at no cost to employees. Mr Scheid also spoke in opposition to the proposed G-2a ordinance and inquired about instances where public assembly was unlawful. Mr Scheid also said that the proposed ordinance was an inappropriate tool to accomplish the Police's task. Mr. Scheid inquired further what constitutes public assembly that would justify the proposed ordinance to be passed.

**Mary Jo Beretich**, a resident of Cabrillo Mobile Home Park, stated that per her review of Ordinance No. 3633 covering parades, she found no sections defining banners. Ms. Beretich also expressed her opposition to carry paper banners and urged the Council to vote against the proposed ordinance.

**Lisa Cooper-Keil** expressed her opinion stating that Ordinance 3633 is restriction of freedom, as well as a violation of the First Amendment rights.

**Joey Racano** spoke in opposition to Ordinance No. 3633 stating the need to protect the rights to demonstrate effectively.

**Teddi Alves** expressed her belief that Police are not public servants and alleged having witnessed incidents of police brutality as a political activist. Ms. Alves also said that there is too much police power.

**Mike Shrubsole** requested the Council to oppose the proposed ordinance as not only violating First Amendment rights but it also stifle civil liberties.

**John Earl** spoke against Ordinance No. 3633 stating that the ordinance is divisive. Mr. Earl requested the Council to reconsider due to the need for checks and balances.

**Tim Geddes** cited sections in Ordinance No. 3633 regarding prohibited equipment and stated his opposition to banning the use of any equipment unless used as a weapon.

**Mike Garrick**, Albertson's employee, displayed a picket sign stating that it is not being used as a weapon and presented reasons why some picketers carry picket signs of varying lengths. Mr. Garrick requested the Council not to place limitations on the type of signs used for demonstrations.

Mr. Garrick obliged to the Council's request to leave the Union sign for study by Council at the meeting.

**Gloria Dittmer** expressed concern over the proposed ordinance, stating that it would not allow people to express their opinions in a free and honest demonstration. Ms Dittmer added that the proposed ordinance infringe First Amendment rights and requested the Council to reconsider opposing the ordinance.

**(City Council) Ordinance No. 3632 Continued from January 5, 2004 Meeting – Approved for Introduction as Regular Ordinance No. 3633 Amending the Huntington Beach Municipal Code Chapter 9.20 Relating to Prohibited Public Conduct Regarding Prohibited Equipment ( . )**

A motion was made by Boardman, second Cook to bring Ordinance No. 3633 forward as first agenda item for discussion. The motion carried by the following roll call vote:

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

Police Chief Kenneth Small presented an Oral Report regarding the process by which the ordinance was drafted. He stated that the proposed ordinance was drafted specifically for Huntington Beach, given the current circumstances going on in the city. Chief Small explained that the proposed ordinance was for the purpose of protecting citizens' rights that come out of demonstrations and not for regulating peace activists or what people say. Chief Small further added that the proposed ordinance was meant as a tool for people to demonstrate in a way that would not prove hazardous to other people.

The Police Chief brought with him some items that the Police Staff has gathered to show what are used at the picket lines such as sharp iron and wooden sticks and PVC pipes.

Discussion was held regarding Ordinance No. 3633 restricting thickness to three-fourths inch and allowing for plywood signs.

Mayor Pro Tem Hardy raised questions regarding metal pipes and dimensions of wood used.

Councilmember Boardman inquired on the matter regarding how police officers acquired the metal pipes.

Councilmember Cook expressed opposition to the use of wood sticks, lumber, plywood, PVC pipes to hold signs on.

Councilmember Houchen asked City Attorney McGrath regarding the definition of parades and how it was distinguished from a rally. City Attorney McGrath stated she did not have the ordinance defining parades with her at this meeting.

Discussion was held regarding having the ordinance approved for introduction at an adjourned meeting which is not televised for full coverage.

A motion was made by Boardman, second Cook to continue the agenda item to the next televised regular meeting of January 20, 2004. The motion **failed** by the following roll call vote:

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

Councilmember Sullivan expressed the belief that there is ample time for deliberation at a televised second reading.

A motion was made by Sullivan, second Green to continue the discussion of Ordinance No. 3633 at this non-televised meeting of January 12, 2004 and not at a regular meeting of January 20, 2004.

Discussion continued on the Ordinance to determine a minimum dimension of picket materials, including plywood signs.

A motion was made by Coerper, second Sullivan to amend Section (a) of Huntington Beach Municipal Code Chapter 9.20 of Ordinance No. 3633 to show thickness to three-eighths inch. The motion carried by the following roll call vote:

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

#### **Motion to Recess at 4:50 p.m. - Approved**

#### **Reconvened City Council/Redevelopment Agency Adjourned Regular Meetings at 4:55 p.m. in Room B**

Mayor Cathy Green reconvened the Study portion of the adjourned regular meetings at 4:55 p.m.

#### **Roll Call**

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen (Hardy out of room)

**(City Council/Redevelopment Agency) Reviewed and Finalized the Approach to and Materials For the Recruitment of the Next City Administrator with Maximus, Inc. ( . )**

Norm Roberts and Eric Middleton, representatives of Maximus, Inc., announced that they have met one-on-one with members of the Council receive input regarding the process by which recruitment of the next City Administrator would be made. Mr. Roberts said that based from these input the following attributes are to be considered the 12-point criteria as follows:

1. Promotion of an evolving innovative workforce in organization and culture;
2. Maintenance of optimum service levels in view of the State's fiscal proposal in the property tax refund group;
3. Review of the City's organizational structure and staff in levels of the appropriate instituted current conditions;
4. Possible change in the number and method of selection of councilmembers;
5. Preservation of the environmental character of the City;
6. Development of employer-employee partnership in Huntington Beach;
7. Labor relationship between employees and Human Resources Departments with 1-year contracts;
8. Strengthening tax base;
9. Construction of desalination plant;
10. Increased volunteerism in the City;
11. Maintenance of public safety; and
12. Attracting and maintaining employees.

Discussion was held regarding Community Participation List Memo by Mayor Cathy Green which was announced earlier in the Late Communication by Assistant City Clerk Elizabeth Ehring. The workshop was designed to solicit public inputs that will be used in the recruitment of the next City Administrator. The list was narrowed down to seven to up to twenty workshop participants as follows:

Business -	Joyce Riddell Ron Shenkman
Education -	Gary Rutherford Ken Yglesias
Environmental -	Gary Brown Tom Livengood
Volunteer -	Shirley Dettloff Al Guidotti
Tourism -	Steve Bone Steve Daniel
Activists -	Ed DeMulle Ed Kerins Flossie Horgan

No vote was taken on the recommendation on Late Communication Memo dated and filed on January 12, 2004.

Maximus, Inc. representatives assured the Council that they will return with a profile draft and meet with the above-mentioned thirteen members and which will also include a larger group at an upcoming community meeting at a date uncertain but prior to a Council Meeting to be scheduled on Friday, January 30, 2004.

A motion was made by Boardman, second Cook, to excuse the City Attorney from this item at the meeting. The motion carried by the following roll call vote:

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

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

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

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

**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)

**Adjournment – City Council/Redevelopment Agency**

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Tuesday, January 20, 2003, at 5:00 p.m., in Room B Civic Center, 2000, Main Street, Huntington Beach, California due to the Martin Luther King, Jr. Holiday.

\_\_\_\_\_  
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