

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

Monday, November 17, 2003
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 Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:03 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Boardman, Cook, Houchen, Hardy (Green arrived at 5:04 p.m.)
Absent: None

Public Comments Regarding 5:00 P.M. Portion of Council Meeting

Russell Reinhart, President, Huntington Beach Police Officers Association, spoke regarding recent litigation on which the police officers had received award. He informed Council of details of the lawsuit wherein the officers tried to lower the award and obtain only the amount of money that had been owed to them.

Dennis Hashin, Police Officers Association representative, spoke regarding present circumstances and what he believes to be a shortage of police officers.

Kreg Muller representing the Huntington Beach Police Officers Association requested that the Mayor and Council request the City Administrator to negotiate health benefits. He spoke regarding the police officer shortage and what police officers believe are the good provisions of CALPERS insurance coverage.

(City Council) Annual Joint Study Session Held Between the City Council and the Investment Advisory Board – Annual Report on Investments to the City Council (October 1, 2002 to September 30, 2003) (.)

Investment Advisory Board Meeting Roll Call

Present: Bob Glass, Chair; Joe Foye; Edward Kerins; James Steinkirchner
Absent: Paul Arms, Dianne Shelton

The Investment Advisory Board (IAB) provided its annual update to the City Council regarding activities for Fiscal Year 2002/2003.

The following documents had been transmitted in the City Council agenda packet material.

Transmittal of the Annual Report titled *City of Huntington Beach Investment Advisory Board (IAB) Annual Report to the City Council for the period October 1, 2002 to September 30, 2003*.

PowerPoint slideshow titled *Joint Study Session IAB/City Council November 17, 2003*.

Bob Glass, Chair of the Investment Advisory Board reviewed the PowerPoint slide report.

Bill Blackwell, Citi-Group, was introduced by City Treasurer Shari Freidenrich. Mr. Blackwell presented a report on the current economic and interest rate environment and historical interest rate issues including historical yield curve and forecast for the economy.

City Treasurer Freidenrich thanked the Investment Advisory Board members including two members unable to be present.

Motion to Recess to Closed Session – Approved

A motion was approved by unanimous consent to recess to Closed Session on the following items. The motion carried by the following roll call vote:

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

NOES: None

ABSENT: None

(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 **Arroyo v. City of Huntington Beach**; Orange County Superior Court Case No. 03CC07135. **Subject: Arroyo 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 **Huss, et al. v. City of Huntington Beach**; U.S. District Court Case No. SACV 98-249 AHS (ANx). (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. **Subject: Charles Nowotny v. Johnson, 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 **Shugart v. City of Huntington Beach**, United States District Court Case No. SA CV 91-0475 AHS (RWRx). (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 **Opp v. City of Huntington Beach, et al.**; Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 [Opp I]; and **Opp v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 748927, Court of Appeals Case No. G030601 [Opp II]. **Subject: Opp v. City of Huntington Beach, et al. [Opp I and Opp II].** (120.80)

(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(c) to confer with its attorney regarding pending litigation. Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: **one.** **Subject: Potential Litigation.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers

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

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

City Council/Redevelopment Agency Roll Call

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

Absent: None

Pledge of Allegiance - Led by Mayor Connie Boardman.

Moment of Silence Observed

Mayor Boardman requested observation of a “moment of silence” to reflect upon issues before the Council this evening.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Three communications submitted by Poseidon Resources dated November 17, 2003 titled; 1) *CEC Letter dated November 7, 2003 – EIR for Poseidon Resources Seawater Desalination Project*; 2) *Comments on the Coastal Commission Seawater Desalination Report addressed to Mayor Connie Boardman*; and 3) *Comments on Coastal Commission’s Seawater Desalination Report*

Communication from Randy C. Kokal dated November 14, 2003 in opposition to the Poseidon Seawater Desalination Project.

Communication from the Planning Director regarding follow-up comments on the EIR proposed Poseidon Seawater Desalination Plant.

Communication from the Planning Department dated November 17, 2003 titled *Environmental Impact Report No. 00-02 (Poseidon Desalination Plant) – Response to California Energy Commission Letter Dated November 7, 2003*.

Communication dated November 14, 2003 from Van Blarcom, Leibold, Mc Clendon & Mann, Attorney on behalf of Poseidon requesting council deny the appeal.

Two communications; September 8, 2003 from Jan Vandersloot submitting recommendation based on findings and a communication dated November 01, 2003 listing issues that should be addressed and another Late Communication submitted during the meeting dated November 16, 2003 in opposition to the Poseidon CUP and CDP.

Communication submitted by Mike Tope, District Superintendent of the Department of Parks and Recreation regarding the Poseidon Desalination Plant Environment Impact Report.

Communication submitted by the Santa Margarita Water District in favor of the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Merrilee Madrigal dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by James F. Scott dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by John F. Scott dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Glenn Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steven Jelnick dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Bob Gennaway dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Ann Tweedy dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Lyune Baker dated (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steve and Kathi Richardson dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Hadeel El-Ahraf dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Lorraine El-Ahraf dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by William and Kathleen Weizel dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Edward Muphy dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Adam Palitz dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Linda J Scott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Cheryl Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Glenn Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Suzanne Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steven and Annie Jelnick dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Bob and Mona Gennaway dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Scott and Debbra Cooper dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Christine Padesky dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Greg and Dillon dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Joseph and Joan Ongie dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by William Yarchin, Ph.D. dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Eileen Murphy dated November 14, 2003 titled *Agenda item comment* in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Donald and Lorraine Evans dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Brian and Sylvia Visnoski dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Amer El-Ahraf, Dr. PhD. dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Marinka Horack dated November 12, 2003 titled *The Premature Poseidon Project is Bad for Huntington Beach* in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Ernie and Linda Courter dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Bob Polkow dated November 14, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Deanna G. Rose dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Ron J. Esmilla dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Kara A Buttacavoli, P.E. dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Stacey Grosvenor dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by William H. Tappan dated November 10, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Tanveer Rao, P.E. dated October 31, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Craig Watkins dated November 10, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Rashelle L. Smith dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Sue Bennett Hodgson dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Andy Tran dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Terese L. Caiazzo dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steve Tedesco dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Angel Bustamante dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steven Agor, P.E. dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Paul E. Cook dated November 10, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Gino Rapagna dated November 4, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Robert J. Ohlund dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

PowerPoint presentation from Community Services Department received in Clerks Office November 14, 2003 titled *Pacific Shoreline Marathon*.

Communication from Bob Polkow dated November 14, 2003 (untitled) listing his concerns regarding the proposed seven district alternative on tonight's agenda.

Communication submitted by Marinka Horack dated November 13, 2003 titled *To Express Strong Opposition to Districting Plan*.

Communication from David Vogel dated November 17, 2003 titled *no on 3622* in opposition to the proposed mobile vending ordinance.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by Gerald and Colette Caterina dated November 17, 2003 titled *Planned Development of Two (2) Single Family Residences at 115 and 117 15th Street, Huntington Beach, Ca.*

Communication submitted by the California Earth Corps dated November 17, 2003 titled *Poseidon Desalination EIR, SOC, CUP and LCP Recommendation for Denial*.

Communication submitted by Michelle Svitenko Africano dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Desalination Plant.

Communication submitted by Augustine Ronald Pepi and Shirley Elizabeth Pepi (undated and untitled) in opposition to the proposed Poseidon Desalination Plant.

Communication submitted by John VonHolle (undated) titled *Class/Salary Schedule for Ten Classifications Represented by the Municipal Employees Association (MEA)*.

Presentation made by Mayor Connie Boardman recognizing some of the exceptional city employees who have assisted her during her year as Mayor as follows:
Cathy Fikes, Council Secretary; Pat Dapkus, Sr. Administrative Analyst; Bill Zylla, Preservation Program Manager; Kenneth Small, Police Chief; Robert F. Beardsley, Public Works Director; and Jim Engle, Community Services Director.

Public Comments

Elaine Bower Keeley, *Ballet Etudes* representative, announced Nutcracker Suite Event at Huntington Beach High School on December 6-7, 2003.

Stephanie Barger, Earth Resource Foundation representative, presented an award to Mayor Connie Boardman from Earth Resource for the cities beach clean up.

Stephen and Emily, students from Academy for the Performing Arts, invited all to performances of the Ballet Etudes.

Debbie Borden spoke regarding invocation at council meetings and her reasons for offering invocations the past two years.

Grace Winchell, former mayor, spoke in opposition to Council Districts in any form in Huntington Beach. She stated if a district measure must be put on the ballot she would recommend seven districts elected-at-large.

Nancy Donaven stated her opposition to the agenda items relative to city council districts. She stated however, that seven districts elected-at-large would be preferable over five districts.

Joseph Jeffrey spoke in support of the agenda item regarding Councilmember Sullivan's proposed seven-district alternative to the five-district measure on the ballot.

Manilal Padhiar requested that for safety reasons a traffic light be installed on Warner Avenue so parents or individuals can make a left turn and that the light be installed prior to construction of Lowe's.

Mark Bixby spoke in opposition to Council districts particularly due to problems such as if a Councilmember must abstain from voting due to a conflict of interest. He urged Council not to approve the proposed seven district alternative.

Ed Kerins, President Huntington Beach Tomorrow, stated opposition to Districting for reasons including potential for vote swapping. He announced that Huntington Beach Tomorrow will work to oppose the charter amendment measure.

Topper Horack informed Council of his bad experience when calling a member of the Board of Supervisors for assistance on a County problem. He stated that the Board Member would not speak with him as the problem was not within his district. He stated the effect he believed city council districts would have on Southeast Huntington Beach. He also stated opposition to the proposed Poseidon Desalination Plant.

Monica Hamilton spoke against the "Fair Districting initiative" charter amendment measure, as she believes it would reduce her voice in government. She also opposed lifetime term limits for city councilmembers.

Juana Mueller stated her opposition to the proposed alternative measure of at large council districts.

Marinka Horack stated that she is strongly opposed to City Council districts. She also stated her opposition to the proposed Poseidon Desalination Plant.

Steve Ray addressed Council in opposition to the "Fair Districting initiative" charter amendment measure, as he believes the system is not broken. He also spoke in opposition to the Poseidon Seawater Desalination Plant project.

Elizabeth Bodine, city employee, stated that increased cost of health insurance will cause even more financial sacrifices in her family. Her children's education is going to be something they cannot afford and they will have to be removed from private school if the higher medical premium is imposed on employees.

James W. Robins President of Amigos de Bolsa Chica stated his opposition to Council districts.

Ben Leland spoke in support of the Poseidon Desalination Project.

John Earl expressed appreciation to Councilmember Debbie Cook and Mayor Connie Boardman for standing up for the First Amendment. He stated his support for the city employees relative to the health insurance coverage issue. He stated his opposition to the council districts.

John Erhart requested the construction of a traffic signal before Lowe's hardware is built to protect people going in and out with children.

Merrilee Madrigal stated her opposition to the Poseidon Desalination Project, citing the need for safe ocean water.

John Von Holle, President, MEA (Municipal Employees Association) stated that the proposed insurance coverage increase is like a 500% fee increase; that lower paid employees are really hurt. He informed Council that the MEA has been told that if an agreement is not reached by December the cost will be \$540 per month. He stated MEA membership has members who qualify for low income health care. He requested City negotiations continue to solve the problem.

Gerald Caterina informed Council that two houses are being built that have two windows at directly level into his bedroom about 11 feet away. He stated that he does not believe the City's Infill ordinance is being followed.

Art Jensen and his son Cole informed Council that the MEA has always worked with Council and requested that employees not be required to take this big of an increase in health insurance costs. Mr. Jensen also stated that the MEA groups took the biggest hit in layoffs.

Judy Demers informed Council of the types of work done by the MEA members – planners – code enforcement officers etc; stating that these employees are the backbone of the City. She stated that this situation will force employees to choose between health care and day care.

Michael Dean gave reasons why he had moved to the city. He spoke about the employees health plan coverage and requested new negotiations.

Janelle Case stated that due to lay offs and frozen positions, she and other employees have been willing to take on additional responsibilities; that the Department of Public Works was hit the hardest in layoffs. She requested negotiators offer a better insurance plan.

Corrine Hoffman spoke regarding the high quality of employees in the City; that because of the budget problems more and more work is being placed on employees. She spoke regarding the effect of the insurance coverage issue on city employees.

William Davis, Teamster, presented reasons why the proposed health insurance plan was unfair and stated the effects it would have on employees and the City.

Randy Brown spoke regarding the vital public services that city employees provide to the City of Huntington Beach. He gave examples of how the employees serve to the public, on and off the job. He stated that the employees understand that they must contribute some to their insurance.

Barbara Richardson, Huntington Beach Library representative for the employees stated that the city employees were loyal for six years without pay raises and in turn were told the city would be loyal. She stated that she knows part of the insurance must be paid by employees, however the coverage being proposed will be inferior.

Mark Adams addressed Council stating that the proposed insurance costs would result in a pay cut of 10%.

Gus Santos informed Council of the dedication of city employees to providing the best work ethic and work product to the community.

Peter Raia stated the Department of Public Works has a motto "Public Works is the heartbeat of the city". He stated that employees should not be forced to bear the full burden of budget shortfall. He stated earlier this year he took a 19½% decrease due to layoffs and now this will be another decrease.

Barbara Gray stated that the lower the employee salary the bigger the pay cut. She gave an example of Office Assistant II being the largest position category in the MEA, and which will take a 12% pay cut. She stated that 5% across the board for all employees would be more equitable.

Kathy Vaughan requested that the negotiating team meet again and a fair plan agreed upon.

Ronn Rathbun spoke regarding how the proposed cost increase of health insurance will affect his family. He informed Council that the city employees only want to negotiate.

Bill Applebee spoke regarding commitment of city employees to the community and gave examples of city services on beaches.

James Awana gave reasons why he believes the proposed insurance increase is short-sighted, unfair, and wrong. He stated that the MEA proposal is to accept Heath Net proposal for one year and then set up a committee. He stated that no response has been received, except for employees to pick up the full amount in premiums.

Raymond Whitmer, Teamster, asked that all managerial employees stand in the audience and be recognized. He stated that the negotiators made it clear that in January the city employees will pay a large price and detailed the increased costs and the inferior plan that is proposed.

Freddie Horning stated that the increased costs of health benefits will make a great impact on her life; and the lives of her daughter, son, and her husband who is currently seeking work. She questioned why only one plan, HealthNet, is being offered. Ms. Horning informed Council of her past experience and dissatisfaction with HealthNet.

Gail Ballone informed Council that if the large increase is imposed she will have to drop her husband from the health care plan and spoke regarding her encounters with illness.

Michael Hutton urged an authorized negotiation team to accept the MEA proposal and return to the bargaining table. He spoke regarding how the city employees maintain sewer, beaches and water all of which making a good quality city.

Recessed at 9:05 p.m.

Reconvened at 9:15 p.m.

Dr. Galluccio, physican and former member of the City Environmental Board, presented reasons in opposition to the proposed Poseidon Seawater desalination plant. He questioned the need for more water instead of conservation. He questioned the technology even after attending a meeting at the St. Simon and Jude Church. He stated that the government has already asked him to post a sign warning people not to eat fish from the area.

Joey Racano spoke regarding what he believes is the detrimental environmental influence of the AES power plant. He spoke in opposition to council districts.

Don Mc Gee presented reasons for his opposition to the proposed Poseidon Seawater desalination plant.

Dr. Jan Vandersloot spoke in opposition to council districts, citing his experience as a resident of Newport Beach. He stated that not once in 23 years has a Newport Beach Council been an advocate for the people; the city has always been on the side of the developer. He stated the merits of the at-large elections procedure of Huntington Beach.

Norm “Firecracker” Westwell made a PowerPoint presentation showing how districting will allow less choices, reducing to a vote every four years instead of two years. He stated less government is good but less representation is bad.

Jim Moreno stated his support for the seven council district plan as proposed on the agenda as the people will have an opportunity to speak to one representative.

Don Hansen stated his support for the “Fair Districting initiative” charter amendment. He spoke in opposition to Councilmember Hardy’s comments during the last council meeting relative to districting. He stated the item proposed by Councilmember Sullivan is fair to all.

Glenn Brooks requested that the city council take the pension away from the city employee who stole money from the city and also the salary the employee received while on administrative leave.

Peter Albini spoke in favor of the proposed Poseidon Seawater desalination plant.

Mary Jo Baretich stated her opposition to the Poseidon Desalination Project

(City Administrator’s Report) Announcement of Upcoming Event at the Art Center Recognizing Boards and Commission Members (.)

Assistant City Administrator William Workman reported on an upcoming event at the Art Center recognizing Boards and Commission members.

(City Council) Public Hearing Held – Approved Zoning Map Amendment No. 00-02 Filed by Paul Rothenberg, Canyon Consulting on behalf of Lowe’s Home Improvement Warehouse (Located n/s of Warner Avenue Approximately 500’ e/o Beach Boulevard) – Approved Introduction of Ordinance No. 3624 (.)

The City Council considered a communication from Planning Director Howard Zelefsky.

Mayor Boardman announced that his was the time noticed for a public hearing to consider the following:

Applicant: Paul Rothenberg, Canyon Consulting on behalf of Lowe’s Home Improvement Warehouse.

Request: Zoning Map Amendment: To amend the zoning on the 17.4 acre former Rancho View School and existing Ocean View School District Bus Maintenance Facility from Public-Semipublic to General Commercial.

Location: Bounded by Warner Avenue on the south, B Street on the west, Roubidoux Drive on the north, and multi-housing units located just west of Minoru Lane on the east.

Notice is hereby given that this Agenda item is covered by Environmental Impact Report No. 00-01, certified as adequate and complete in accordance with CEQA requirements by the Planning Commission on October 28, 2003.

Legal notice as provided to the City Clerk’s Office by staff had been mailed, published and posted.

Planning Director Howard Zelefsky presented staff report. He reported regarding the questions that had been asked by speakers under the public comments portion of the meeting regarding the need for and timing of installing a traffic light at Warner Avenue prior to the building of Lowes.

Staff presented a PowerPoint slide show titled *Lowe's Home Improvement Warehouse City Council Meeting November 17, 2003 Zoning Map Amendment No. 00-02* which was included in the agenda packet.

Mayor Boardman declared the public hearing open.

Wayne Peterson, representing Lowe's Home Improvement Warehouse informed Council that they would support early building of the traffic light at Warner Avenue.

Norm "Firecracker" Westwell, Libertarian Party, spoke in support of the application.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Sullivan, second Coerper to:

PLANNING COMMISSION AND STAFF RECOMMENDATION: Motion to:

1. Approve Zoning Map Amendment No. 00-02 (Attachment No. 2) with Findings for Approval as set forth in Attachment No. 1* (**immediately following in this set of minutes**);

and

2. Approve for introduction of Ordinance No. 3624 after a reading by title by the City Clerk - **Ordinance No. 3624** – *"An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Code by Amending District Map 27 (Sectional District Map 24-5-11) to Rezone the Real Property Generally Located on the North Side of Warner Avenue Approximately 500 Feet East of Beach Boulevard from PS (Public-Semi Public) to CG (General Commercial) (Zoning Map Amendment No. 00-02)."*

Prior to casting votes on the motion on the table Councilmember Debbie Cook commented regarding compact parking spaces and her opinion that the provision is not adhered to; that the City would be better off revising that requirement.

The motion (stated above and read by title by the City Clerk) carried by the following roll call vote:

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

Attachment No. 1*
Suggested Findings For Approval
Zoning Map Amendment No. 00-02:

1. Zoning Map Amendment No. 00-02 to change the zoning on a 17.4 acre parcel from PS (Public-Semipublic) to CG (General Commercial) is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The zoning

map amendment will enable the property owner and applicant to carry out policies and objectives stated in the Economic Development Element of the General Plan and meet City Council objectives to promote economic development as stated in City Council resolution No. 96-57.

2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed development project has demonstrated an ability to comply with the use provisions and development standards contained in the requested General Commercial zoning district.
3. A community need is demonstrated for the change proposed. The zoning map amendment to General Commercial furthers the goals and policies of General Plan Subarea 6B and will likely foster a cohesive commercial development between the school site and Beach Boulevard as envisioned in the General Plan.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The subject site is currently a large underutilized property located on a major arterial. The General Commercial zoning designation is the appropriate zoning for the site generally because of its size, location, and existing buffers, which serve to separate commercial development from residential uses.

(City Council) Part 1 of 2 Parts of Public Hearing: (1.) Opened and Continued Open for Consideration of Appeal Filed by Mayor Connie Boardman of the Planning Commission's Certification of Environmental Impact Report (EIR) No. 00-02 (Poseidon Seawater Desalination Plant Located at 21730 Newland Street, east side, south of Edison Avenue) - Application Filed by Poseidon Resources Corporation – Continue to Consider Adoption of Resolution No. 2003-82 and (2.) For Part 2 - See Agenda Item to Follow – Public Hearing Continued Open to December 15, 2003 (.)

The City Council considered a communication from Planning Director Howard Zelefsky.

Mayor Boardman announced that this was the time noticed for a public hearing to consider the following:

Applicant: Poseidon Resources Corporation

Appellant: Mayor Connie Boardman

Request: To analyze the potential environmental impacts associated with the implementation of a proposed 50 million gallons per day seawater desalination plant.

Location: 21730 Newland (east side, south of Edison Avenue)

PowerPoint presentation titled *Environmental Impact Report No. 00-02 - Poseidon Seawater desalination plant* is included in the agenda packet.

Communication in favor of the Poseidon Seawater Desalination Project dated October 31, 2003 (untitled) received from Tanveer Rao is included in the agenda packet.

Communication submitted by Gino Rapagna dated November 4, 2003 (untitled) in support of the Poseidon Seawater Desalination Project is included in the agenda packet.

Communication from Surfrider Foundation dated November 5, 2003 titled *Poseidon Desalination EIR Appeal* requesting Council deny certification of this EIR (Environmental Impact Report) is included in the agenda packet.

Communication from the California Energy Commission dated November 7, 2003 titled *Comments on the City of Huntington Beach EIR for the Proposed Poseidon Seawater Desalination Plant* stating concerns regarding the Environmental Impact Report is included in the agenda packet.

Communication from George Tripp dated November 10, 2003 (untitled) regarding three concerns he believes have not been addressed in the EIR is included in the agenda packet.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Mayor Boardman announced hearings would be separate for Agenda Items D-2a (EIR) and D-2b (CUP and CDP). She stated Principal Planner Mary Beth Broeren had gone home ill and that perhaps the second part of the public hearing would have to be continued. Mayor Boardman gave reasons why she had filed the appeal.

Planning Director Howard Zelefsky spoke regarding a letter he received at approximately four or five pm today from California Energy Commission and stated that he is not certain council has received this letter.

Associate Planner Ricky Ramos presented a PowerPoint titled *Environmental Impact Report No. 00-02 – Poseidon Seawater Desalination Plant*, which was included in the agenda packet.

Mayor Boardman declared the public hearing open.

Prior to announcing the public speakers, City Clerk Brockway restated for the record the following Late Communications which pertain to this public hearing including those listed on the agenda:

Three communications submitted by Poseidon Resources dated November 17, 2003 titled; 1) *CEC Letter dated November 7, 2003 – EIR for Poseidon Resources Seawater Desalination Project*; 2) *Comments on the Coastal Commission Seawater Desalination Report addressed to Mayor Connie Boardman*; and 3) *Comments on Coastal Commission's Seawater Desalination Report*

Communication from Randy C. Kokal dated November 14, 2003 in opposition to the Poseidon Seawater Desalination Project.

Communication from the Planning Director regarding follow-up comments on the EIR proposed Poseidon Seawater Desalination Plant.

Communication from the Planning Department dated November 17, 2003 titled *Environmental Impact Report No. 00-02 (Poseidon Desalination Plant) – Response to California Energy Commission Letter Dated November 7, 2003*.

Communication dated November 14, 2003 from Van Blarcom, Leibold, Mc Clendon & Mann, Attorney on behalf of Poseidon requesting council deny the appeal.

Two communications; September 8, 2003 from Jan Vandersloot submitting recommendation based on findings and a communication dated November 01, 2003 listing issues that should be addressed and another Late Communication submitted during the meeting dated November 16, 2003 in opposition to the Poseidon CUP and CDP.

Communication submitted by Mike Tope, District Superintendent of the Department of Parks and Recreation regarding the Poseidon Desalination Plant Environment Impact Report.

Communication submitted by the Santa Margarita Water District in favor of the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Merrilee Madrigal dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by James F. Scott dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by John F. Scott dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Glenn Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steven Jelnick dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Bob Gennaway dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Ann Tweedy dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Lyune Baker dated (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steve and Kathi Richardson dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Hadeel El-Ahraf dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Lorraine El-Ahraf dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by William and Kathleen Weizel dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Edward Muphy dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Adam Palitz dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Linda J Scott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Cheryl Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Glenn Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Suzanne Elliott dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steven ands Annie Jelnick dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Bob and Mona Gennaway dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Scott and Debbra Cooper dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Christine Padesky dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Greg and Dillon dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Joseph and Joan Ongie dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by William Yarchin, Ph.D. dated November 15, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Eileen Murphy dated November 14, 2003 titled *Agenda item comment* in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Donald and Lorraine Evans dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Brian and Sylvia Visnoski dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Amer El-Ahraf, Dr. PhD. dated November 17, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Marinka Horack dated November 12, 2003 titled *The Premature Poseidon Project is Bad for Huntington Beach* in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Ernie and Linda Courter dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Bob Polkow dated November 14, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Deanna G. Rose dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Ron J. Esmilla dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Kara A Buttacavoli, P.E. dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Stacey Grosvenor dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by William H. Tappan dated November 10, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Tanveer Rao, P.E. dated October 31, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Craig Watkins dated November 10, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Rashelle L. Smith dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Sue Bennett Hodgson dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Andy Tran dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Terese L. Caiazzo dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steve Tedesco dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Angel Bustamante dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Steven Agor, P.E. dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Paul E. Cook dated November 10, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Gino Rapagna dated November 4, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

Communication submitted by Robert J. Ohlund dated November 12, 2003 (untitled) in favor to the proposed Poseidon Seawater Desalination Plant.

PowerPoint presentation from Community Services Department received in Clerks Office November 14, 2003 titled *Pacific Shoreline Marathon*.

Communication from Bob Polkow dated November 14, 2003 (untitled) listing his concerns regarding the proposed seven district alternative on tonight's agenda.

Communication submitted by Marinka Horack dated November 13, 2003 titled *To Express Strong Opposition to Districting Plan*.

Communication from David Vogel dated November 17, 2003 titled *no on 3622* in opposition to the proposed mobile vending ordinance.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication submitted by the California Earth Corps dated November 17, 2003 titled *Poseidon Desalination EIR, SOC, CUP and LCP Recommendation for Denial*.

Communication submitted by Michelle Svitenko Africano dated November 16, 2003 (untitled) in opposition to the proposed Poseidon Desalination Plant.

Communication submitted by Augustine Ronald Pepi and Shirley Elizabeth Pepi (undated and untitled) in opposition to the proposed Poseidon Desalination Plant.

End of Late Communications

Billy Owens representing Poseidon Resources Corporation requested a continuance of the public hearing and presented reasons for his request.

Discussion held among Councilmembers regarding whether Council was ready to hear the public hearing at this time.

Councilmember Debbie Cook spoke regarding the second California Energy Commission (CEC) letter received today stating reasons why Council should take it with a *"grain of salt."*

Mayor Pro Tem Cathy Green stated that the California Energy Commission (CEC) did not write the letter, that CEC staff did. She stated that she had received answers from planning staff regarding her questions from the study session.

In response to Mayor Connie Boardman, Mr. Curtis, Poseidon representative stated he would like to delay his presentation to December 15, 2003.

John Earl stated reasons for opposing the Poseidon desalination project. He stated that water privatization poses a change in public policy and leaves a detrimental effect behind it, as in third world countries. He stated public control is a fundamental right.

John F. Scott spoke in opposition of the Poseidon desalination project and cited water quality grades in the past years of the ocean waters in that area.

Dr. Amer El-Ahraf presented reasons why he is opposed to the Poseidon desalination project, including land use and public health issues.

Steve Ray questioned if he could speak again at the continued public hearing and was informed that he could.

Norm "Firecracker" Westwell spoke in favor of the Poseidon desalination project.

Jan Vandersloot spoke regarding all the information that he believes should be included in an environmental report including the very important California Environment Commission document. He stated that the effect of the AES power generating plant was not discussed. He spoke regarding the need to analyze further as he has outlined in his report. He brought Council's attention to the pictures in the packet of material he presented to Council. He says the Environmental Impact Report (EIR) should be analyzed further.

Steve Ray stated that he was one of three members of the Planning Commission who voted not to certify the EIR. He stated that he is not opposed to Poseidon or desalination however, he does not think the EIR is adequate.

Larry Porter brought Council's attention to what he believes are false statements in the subject of the computer model developed for this project. He continued with problems he believes are in the EIR.

Don Mc Gee stated his opposition to the Poseidon desalination project.

Reed Royalty, President of the Orange County Taxpayers Organization informed Council that he believes the effects of the Poseidon desalination project are good for taxpayers and good for the economy.

Monika Galluccio, South Huntington Beach Neighborhood Association spoke in opposition to the proposed desalination project due to water quality of the ocean at the location where the plant is proposed to be built. She spoke regarding the current condition of ocean pollution in that area and cautioned that fish are inedible due to the mercury in the ocean.

Chris Hart informed Council he had been a Hillsborough County Commissioner as well as serving on the Tampa, Florida Water Board. Mr. Hart spoke in favor of the project stating there had been problems in his city but that the project would add millions of dollars to the city budget.

Considerable discussion was held between the City Council and Mr. Hart including comparisons with Florida as it pertains to pumping systems, cost per acre foot, output and the Poseidon plant being taken over by Tampa Bay Water.

Councilmember Gil Coeper inquired as to how many gallons of water are being currently produced. Mr. Hart answered none, due to mismanagement.

Walter Winrow, Poseidon Resources stated that they are a Delaware Corporation. In response to Councilmember Cook he stated that he did not know the cost of power in that area.

Andrew Kingman, CEO of the Delaware Corporation, furnished the power cost figure and discussion held with Councilmember Cook.

Ron Van Blarcom, Attorney for Poseidon spoke in favor of the proposed Poseidon desalination project.

Dr. Scott Jenkins inquired if the Council had received the letter from the California Energy Commission (CEC). He said the most recent CEC letter was a retraction of their earlier letter of November 7, 2003. He reported to Councilmember Hardy in regards to windspeeds and accuracy of the graph. Councilmember Hardy stated she was concerned about the accuracy of the graph. Dr. Jenkins said he would send her clarifying information, to which Councilmember Hardy replied that would be helpful.

Elaine Archibald, representing Poseidon Resources spoke regarding errors which she believes are in the California Energy Commission (CEC) letter on the water quality issue. She spoke regarding source water contamination and the KOMEX Report. In response to Councilmember Coeper, Ms. Archibald stated that to her knowledge there will be no hazardous waste levels.

Dr. Jeff Graham, Scripps Institute of Oceanography and author of studies related to the effects of salinity discharge. He stated that there will not be a major biological effect on the organisms living in the vicinity of the Huntington Beach discharge.

Tanveer Rao, Civil Professional Engineer informed Council that his background is in water supply and treatment. He spoke about how desalination is a proven technology. Mr. Rao stated that the revenue base for the city and local labor will help the economy. He requested Council support of the project.

Ralph Bauer, former Mayor, spoke in favor of the Environmental Impact Report; however addressing concerns regarding the aquifer, salt water intrusion and other issues relative to the Metropolitan Water District supply.

Teresa Young spoke regarding how the salinity could increase over time. She spoke regarding how the parts per thousand could eventually be raised to the salinity of the Salton Sea. She stated that the technology was not available to filter out organisms.

Joe Geever, Regional Manager of the Surf Rider Foundation asked if documents mentioned would be available to the public. The Mayor informed Mr. Geever that the records are accessible and are a matter of public record in the City Clerk's Office.

Greg Jewell, Surf Rider Foundation Representative spoke in opposition to the desalination project.

Joey Racano spoke regarding the desalination plant in Florida. He commented on what he believes is AES Power Plant influence in that the signature of Ed Blackford was on documents by Poseidon. He stated that AES is in violation for not using the best available technology that is required by law; that the outdated single pass cooling system is being used.

Don May, California Earth Corps spoke regarding the inadequacies of the EIR. He informed Council that AES is a peaking plant and that Poseidon would be buying off peak power which means AES would be using more water and the discharge impacts of salinity is concerning. Mr. May also questioned by there is nothing relative to compensation for the infrastructure that will be affected by this project.

Robert Harrison, Control System Engineer and Teacher stated his support for the desalination project. He informed the council that he believes the project is a winner and should be approved.

Dr. Dallas Weaver stated after listening to arguments that he believes the opponents were misguided or have hidden agendas. Dr. Weaver cited examples.

Eben Sprague stated he believes the coastline is under attack. He spoke regarding his concerns relative to the lifeguards swimming on the beach, the children, and the plume. He stated the problem is uncontrolled development and the city needs to be held responsible for the beach and that in the future there must be concentration on the outfall and trying to clean that up. He stated the sciences need to be addressed in order to remove pollution from the ocean and to cease dumping in the ocean.

David Pryor, California State Parks, spoke regarding the State owned beach in Huntington Beach. He spoke regarding his concerns relative to bacterial levels and discharge including current discharge.

There being no one present to speak further on the matter the Mayor entertained a motion to continue the public hearing **open to December 15, 2003** at 7:00 p.m.

A motion was made by Sullivan, second Coerper to **continue the public hearing open to December 15, 2003**. The motion carried by the following roll call vote:

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

(City Council) Part 2 of 2 Parts of Public Hearing – Opened and Continued Open to December 15, 2003 - (1.) For Part 1 – See Preceding Agenda Item and (2.) Approve Conditional Use Permit (CUP) No. 02-04 and Coastal Development Permit (CDP) No. 02-05 (Poseidon Seawater Desalination Plant Located at 21730 Newland (e/s, s/o Edison Avenue) – Approve CEQA (California Environmental Quality Act) Statement of Findings and Fact with a Statement of Overriding Considerations – Approve Mitigation Monitoring and Reporting Program - Hearing Continued Open to December 15, 2003 (.)

Mayor Boardman announced that his was the time noticed for a public hearing to consider the following:

Applicant: Poseidon Resources Corporation

Request: To construct a 50 million gallons per day seawater desalination plant including a 10,120 sq. ft. administration building, a 38,090 sq. ft. reverse osmosis building, a 36,305 sq. ft. product water storage tank, and miscellaneous accessory structures on an 11 acre lease area. The proposed improvements include up to four miles of water transmission lines in Huntington Beach, one mile of which will be within the Coastal Zone, to connect to an existing regional transmission system in Costa Mesa. The project also includes perimeter landscaping and fencing along Newland Street and Edison Avenue.

Location: 21730 Newland (east side, south of Edison Avenue)

Notice is hereby given that this Agenda item is located in the appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-05 filed on January 22, 2002, in conjunction with the above request.

Notice is hereby given that the Coastal Development Permit hearing consists of a staff report, public hearing, City Council discussion and action. The City Council's action on this item may be appealed to the Coastal Commission within ten (10) working days from the date of receipt of the notice of final City action by the Coastal Commission pursuant to Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance and Section 13110 of the California Code of Regulations, or unless Title 14, Section 13573 of the California Administrative Code is applicable. The Coastal Commission address is South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA 90802-4302, phone number: (310) 570-5071.

The Mayor continued the public hearing **open to December 15, 2003** at 7:00 p.m.

Consent Calendar – Items Removed for Separate Discussion

The following item was removed from the Consent Calendar for separate discussion:

(City Council/Redevelopment Agency) Sale Under the City's Municipal Code Surplus Property Provisions of Property at 2502 Delaware Avenue for Habitat for Humanity Housing Project (Remnant from Yorktown Widening Project) (.)

(City Council) Complimentary Two-Hour Parking at the Business Zone Meters in Downtown Huntington Beach During the Holidays from December 12, 2003 through January 2, 2004 (.)

(City Council) Closure of City Hall to the Public for Christmas(December 24, 25, and 26, 2003) and New Year's Day (December 31, 2003, January 1 and 2, 2004 (. .))

(City Council) City Clerk's Passport Acceptance Facility Operations Report for the Period of April 2003 through September 2003 (100.30)

Consent Calendar – Items Approved

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

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

(Redevelopment Agency) Adopted Agency Resolution No.346 of the Redevelopment Agency Amending the Agency Debt Pursuant to the Operative Agreement Between the City of Huntington Beach and the Redevelopment Agency for the Huntington Beach Redevelopment Project (Merged Project Area) (. .) – Adopted Resolution No. 346 - “A Resolution of the Redevelopment Agency of the City of Huntington Beach Amending the Agency Debt Pursuant to the Operative Agreement Between the City of Huntington Beach and the Redevelopment Agency of the City of Huntington Beach for the Huntington Beach Redevelopment Project.” Submitted by the Administrative Services Director and the Economic Development/Deputy Executive Director. Funding Source: Not applicable.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids for Alabama Storm Drain Improvement Project; CC-1214 (. .) – Approved project plans and specifications and authorized advertisement of bids for Alabama Storm Drain Improvement Project; CC-1214. Submitted by the Public Works Director and Economic Development Director. Funding Source: Funds are available through an EPA grant and a CDBG grant with the local match from the City's sewer fund. The City also anticipates additional funding through the Orange County Sanitation District's Cooperative Projects Program. The engineer's cost estimate is \$1,500,000. Final funding sources will be determined prior to award of contract.

(City Council) Approved the Memorandum of Understanding (MOU) Between the City of Huntington Beach and the Boys and Girls Club of Huntington Valley to Provide Support Services for the Pioneer Family Resource Center (. .) – Approved the Memorandum of Understanding between the City of Huntington Beach and the Boys and Girls Club of Huntington Valley to provide support services for the Pioneer Family Resource Center. Submitted by the Community Services Director. Funding Source: Not applicable.

(City Council) Approved Amendment of City Budget to Increase City Attorney's Office Attorney Fees, Professional Services Account (. .) – Approved and authorized the Director of Administrative Services to appropriate \$10,000 from the General Fund Balance to the City Attorney's Office Attorney Fees, Professional Services Account. Submitted by the City Attorney. Funding Source: General Fund Unreserved / Undesignated Fund. (Fiscal Impact Statement (FIS) 2004-08)

(City Council) Approved an Amendment to the 2003-2004 Budget to Add a Legal Secretary Permanent Position to City Attorney's Office Table of Organization (.) – Approved and authorized the Director of Administrative Services to amend the 2003/2004 budget to add a Legal Secretary permanent position to City Attorney's Office Table of Organization and transfer the funds to the salary and benefits portion of the City Attorney's office budget. Submitted by the City Attorney. Funding Source: \$55,694.00 from the General Fund Attorney Fees Professional Services Account.

(City Council) Accepted the Homeland Security Grant Between the City and the County of Orange-Office of Emergency Services (OES) for Funding Cycle Year 2003-2004 (.) – 1. Accepted the Homeland Security Grant between the County of Orange-Office of Emergency Services and the City of Huntington Beach for funding cycle year 2003-2004; and **2.** Authorized the Chief of Police, Fire Chief and the Director of Community Services to expend funds to cover the overtime costs to train and equip their respective personnel; and **3.** Approved the appropriation of \$376,422.00 plus any additional funds that may be needed for salary increases from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the County of Orange-Office of Emergency Services. Submitted by the Chief of Police, Fire Chief, and Community Services Director. Funding Source: Estimated to be \$376,422.00 to be appropriated from the unreserved, undesignated General Fund Balance and will be reimbursed fully by a grant from OES. No other matching or in-kind City funds are required for this grant. (Fiscal Impact Statement (FIS) 2004-07.)

(City Council) Approved and Accepted Project Grant AM04015-You Drink and Drive, You Lose, Sobriety Checkpoint Program Grant between the State of California-Office of Traffic Safety (OTS) and the City (.) – 1. Approved and accepted Project Grant Am04015-You Drink and Drive, You Lose, between the State of California-Office of Traffic Safety and the City of Huntington Beach; and **2.** Approved the appropriation of \$17,901.00 from the unreserved, undesignated General Fund Balance, to be reimbursed by the grant from the Office of Traffic Safety; and **3.** Authorized the expenditure of funds not to exceed \$17,901.00 to provide driving under the influence enforcement. Submitted by the Chief of Police. Funding Source: Appropriate funds from the unreserved, undesignated General Fund to be reimbursed by a grant, which is funded by the State of California-OTS (Office of Traffic Safety) in the amount of \$17,901 for December 2003 through July 2004. No other matching or in-kind City funds are required. (Fiscal Impact Statement 2004-05)

(City Council/Redevelopment Agency) Approved Sale Under the City's Municipal Code Surplus Property Provisions of Property at 2502 Delaware Avenue for Habitat for Humanity Housing Project (Remnant from Yorktown Widening Project) (.)

Councilmember Houchen requested that this agenda item be removed from the Consent Calendar to inform Council that in her opinion the appraised value should not be discounted.

A motion was made by Boardman, second Hardy to:

City Council Actions:

1. Approve the sale of the parcel at 2502 Delaware to the Redevelopment Agency for \$153,000 (appraised value less 10%) and authorize the Mayor and City Clerk to execute the Grant Deed from the City to the Redevelopment Agency and send to the County for recordation after the Agency Clerk has affixed the Acceptance Certificate of the Redevelopment Agency.

(continued on the next page)

and

Redevelopment Agency Action:

2. Authorize acceptance of the Grant Deed by the Redevelopment Agency.

The motion carried by the following roll call vote:

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

(City Council) Denied Complimentary Two-Hour Parking at the Business Zone Meters in Downtown Huntington Beach During the Holidays from December 12, 2003 through January 2, 2004 (.)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar and stated reasons for his concerns regarding waiving the fees. He stated that the action if approved, would entail a loss of \$20,000.

Councilmember Cook concurred for reasons relative to the public comments regarding employee health benefits.

Discussion was held among Council. Councilmember Coerper stated that conversely, he believes waiver of the fee would actually generate more sales.

A motion was made by Sullivan, second Green to **deny** the approval of the complimentary two-hour parking at the Business Zone Meters in Downtown Huntington Beach during the holidays from December 12, 2003 through January 2, 2004.

The motion to **deny** carried by the following roll call vote:

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

(City Council) Approved Closure of City Hall to the Public for Christmas (December 24, 25, and 26, 2003) and New Year's Day (December 31, 2003, January 1 and 2, 2004 – Directed Administration to Maintain Record of the Number of Employees Who Take Advantage of the Closure (.)

Councilmember Dave Sullivan requested that this agenda item be removed from the Consent Calendar to inquire if records are kept as to the number of employees who come in to work. He requested records be kept by Administration regarding how many employees take advantage of this action.

Mayor Cathy Green asked if there was much work to do. Assistant City Administrator William Workman responded that employees have an ample amount of work to do despite the fact that City Hall is closed to the public.

A motion was made by Sullivan, second Green to close City Hall to the public the day before and the day after Christmas Day and New Year's Day.

The motion carried by the following roll call vote:

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

(City Council) Received, Reviewed and Filed City Clerk's Passport Acceptance Facility Operations Report for the Period of April 2003 through September 2003 (100.30) –

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to comment on the profits generated and to thank the City Clerk's Office, as waiting times are long at the Post Office.

A motion was made by Sullivan, second Houchen to Receive, review and file the Passport Acceptance Facility Report showing net profit of \$33,796.34 for the period of April 2003 through September 2003, as prepared and submitted by the Office of the City Clerk.

The motion carried by the following roll call vote:

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

(City Council) Approved Hosting of Pacific Shoreline Marathon Run on February 1, 2004 and Adopted Resolutions No. 2003-83 Requesting CalTrans Approve Street Closure of Pacific Coast Highway and Resolution No. 2003-84 for Temporary Closure of Local, Inland Streets ()

The City Council considered a communication from the Community Services Director informing Council that resolutions are required to close Pacific Coast Highway and inland streets to operate the event in Huntington Beach on Sunday, February 1, 2004.

A motion was made by Houchen, second Cook to:

Recommended Action: Motion to:

1. Adopt **Resolution No. 2003-83** – *“A Resolution of the City Council of the City of Huntington Beach Requesting CalTrans Approve the Closing of Pacific Coast Highway for the Huntington Beach Pacific Shoreline Marathon Run;”*

and

2. Adopt **Resolution No. 2003-84-** *“A Resolution of the City Council of the City of Huntington Beach for the Temporary Closure of Portions of Goldenwest Street, Garfield Avenue, Edwards Street, Ellis Avenue, Talbert Avenue, Seapoint Street, Inlet Drive, Overlook Drive, Summit Drive, Varsity Drive, and Central Park Drive for the Pacific Shoreline Marathon Run.”*

The motion carried by the following roll call vote:

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

(City Council) *Not Adopted* - Resolution No. 2003-85 Ordering Submission to Voters of City Measure for a Proposed Charter Amendment for the Creation of Seven Councilmanic Districts, Elected by District, and Imposition of Lifetime Two-Term Limit to Commence with November 2004 General Municipal Election (Adds Measure to March 2004 Special Municipal Election) (.)

The City Council considered a communication from the City Attorney and the City Clerk requesting if Council shall submit to the voters the following proposed City Charter Amendment at the March 2, 2004 election:

Shall the Huntington Beach City Charter be amended, commencing with the November 2004 General Municipal Election, to provide for: (1) dividing the City into seven separately elected City Council districts instead of the existing City-wide election at-large; and (2) proposing an eight-year (two four year terms) lifetime limit on a councilmember's term of office, instead of the existing limit of two consecutive four year terms?	YES	
	NO	

A motion was made by Green, second Coerper to adopt **Resolution No. 2003-85** - "A Resolution of the City Council of the City of Huntington Beach Ordering Submission to the Qualified Electors of the City a Certain Measure Relating to the Amendment of the City Charter to Provide for the Election of Seven Councilmembers Each by District, Instead of the Existing Seven Councilmembers Elected at Large, and to Impose a Lifetime Two Term Limit on Elected Councilmembers Instead of the Existing Consecutive Two Term Limit." (No vote was taken on this original motion on the table.)

Councilmember Cook suggested amendment to the resolution to change a few districts in order that Councilmembers who have served the longest have the two-year terms, rather that those recently elected in 2002.

City Attorney Jennifer McGrath presented the districts for the two and four year terms as follows: Districts **4, 6, and 7** as two-year districts and **1,2,3 and 5** as four-year districts.

A motion was made by Cook, second Boardman to **amend** (prior to voting on the actual resolution) Res. No. 2003-85 **to change Districts 4, 5 and 7 to two-year districts and 1,2,3 and 6 as four-year-districts.**

The motion carried by the following roll call vote:

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

Councilmembers discussed reasons for support of the proposed item, including the belief that seven members would be more beneficial to the city than a five member district would be.

Councilmembers in opposition stated they could not support the districting measure in any version.

A motion was made by Green, second Coerper to adopt **Resolution No. 2003-85** - "A Resolution of the City Council of the City of Huntington Beach Ordering Submission to the Qualified Electors of the City a Certain Measure Relating to the Amendment of the City Charter to Provide for the Election of Seven Councilmembers Each by District, Instead of the Existing Seven Councilmembers Elected at Large, and to Impose a Lifetime Two Term Limit on Elected Councilmembers Instead of the Existing Consecutive Two Term Limit;" **as amended**.

Prior to the vote, Councilmember Sullivan expressed his belief that the public overwhelmingly supports districts and if this proposed resolution is not adopted then the five district option would be disastrous to the city.

The motion **failed** by the following roll call vote:

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

(City Council) No Action Taken - Resolution No. 2003-86 Setting Priorities for Written Arguments to Proposed City Measure as a City Charter Amendment for the Creation of Seven Councilmanic Districts, Elected by District, and Imposition of Lifetime Two-Term Limit to Commence with November 2004 General Municipal Election and Directing City Attorney to Prepare an Impartial Analysis to Said City Measure to March 2004 Special Municipal Election (.)

Due to the failure of Resolution No. 2003-85 in the preceding agenda item, **no action** was taken with regards to the communication from the City Attorney and the City Clerk transmitting Resolution No. 2003-86 Setting Priorities for Filing a Written Argument Regarding a City Measure (a Proposed Charter Amendment) and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure.

(City Council) Approved for Introduction Ordinance No. 3622 Amending Chapter 5.50 of the Huntington Beach Municipal Code Pertaining to Regulation of Mobile Vendors (.)

The City Council considered a communication from the City Attorney requesting modification of the Huntington Beach Municipal Code Chapter 5.50 regulating mobile vendors.

After the City Clerk read by title, a motion was made by Boardman, second Cook to approve introduction of **Ordinance No. 3622** - "An Ordinance of the City of Huntington Beach Amending Chapter 5.50 of the Huntington Beach Municipal Code Relating to Mobile Vending." (Modifies distance mobile vending is permitted from school, playground, or park from 500 feet to 300 feet; and designates Planning Department as permitting authority instead of City Treasurer.) The motion carried by the following roll call vote:

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

(City Council) Approved for Introduction Ordinance No. 3623 Repealing Chapter 9.64 and adding Chapter 9.90 to the Huntington Beach Municipal Code Relating to Door-to-Door Solicitations (.)

The City Council considered a communication from the City Attorney requesting repeal of the Huntington Beach Municipal Code Chapter 9.64 which regulates registration of canvassers and replace it with a more updated ordinance which conforms to current state and federal law and is therefore more enforceable.

After the City Clerk read by title, a motion was made by Boardman, second Coerper to approve introduction of **Ordinance No. 3623** – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Deleting Chapter 9.64 in its Entirety (Registration of Canvassers) and Adding Chapter 9.90 Relating to Door-to-Door Solicitation.”* (Update ordinance to conform to current state and federal law) The motion carried by the following roll call vote:

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

(City Council) Announcement Re: the Main Street Christmas Parade Fundraising – Shelter for Women (.)

Councilmemeber Houchen announced Main Street Christmas Parade fundraising for shelter for women.

(City Council) Announcement for Bail for Councilmember Coerper to Get Out of Jail as a Muscular Dystrophy Fundraiser (.)

Councilmember Coerper asked for donations to bail him out of jail, which will raise money for the cure of Muscular Dystrophy.

(City Council) Announcement of Circle View School Celebration as a Blue Ribbon School (.)

The Council reminded all of the celebration for Circle View School, which is one of the only three schools in the County to be designated a Blue Ribbon School.

(City Council) Announcement of a Community Meeting Scheduled to Reduce I-405 Traffic Problem (.)

Meeting to Reduce traffic problems I-405. 4:30 to 7:30 in the Central Library.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, November 17, 2003, 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