

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

Monday, December 1, 2003
5:00 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 6:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Boardman called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Absent: None

Public Comments

John Von Holle, President of the Municipal Employees Association (MEA) spoke regarding the City's health insurance plan for City employees and possibility of employees leaving City service due to high cost of benefits.

Robert Hidusky, Vice President of the MEA compared City Services provided by employees as superior to those City services in Mexico.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper 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 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)

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

City Council- Redevelopment Agency Roll Call

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

Absent: None

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.

Pledge of Allegiance/Flag Ceremony – Members of the Huntington Beach Police Department Color Guard.

Observed Moment of Silence – To reflect on matters before Council this evening.

Mayor Connie Boardman Presented Her Annual State of the City Address

Mayor Boardman gave the annual “State of the City Address,” in which she cited some of the highlights of her term as Mayor. She said that while the City incurred huge budget cuts and employee lay-offs, the City continued to provide a high level of service to its citizens.

Mayor Boardman commended the various City departments on many projects such as reduced pollutants and urban run-off, storm drains and the Springdale Reservoir. She also mentioned that the Water Waste Committee is closed to making recommendation to the Council on the issue of water quality in Huntington Harbor.

Relative to the Economic Development Department’s projects, the Mayor announced that the construction of the Hyatt Regency Beach Resort and Spa has been completed and created 350 jobs and increased the City’s Tax Occupancy Tax (TOT). In addition, the Mayor mentioned the status on the development of the Huntington Center Mall, Bella Terra and Lowe’s Home Improvement Warehouse.

The Mayor also reported that other infrastructure projects are ongoing such as those undertaken by the Community Services Department, namely, the South Beach improvements and the installation

of new beach facilities at the Lifeguard Stations. She also made mention of the completion of the Sports Complex and the plan to install a Public Art Center within the year.

Pertaining to the Economic Development Department's efforts to generate revenues for the city, the Mayor reported on the Surf City Card Charge program and the proposed total remodeling of store outlets which Albertson's, Save-On and Ralph's will undertake.

On the issue of public safety, Mayor Boardman spoke on the accomplishments of the Police Department. She commended the department for the increase of Driving Under the Influence (DUI) arrests and the assistance of the HB-1 helicopter in crime prevention. The Mayor stated that as a result, the City of Huntington Beach has been voted by the Orange County Register Newspaper for five consecutive years as one of the best cities to live in.

The Mayor also referred to the City Clerk's Office's successful volunteer program and the revenues generated by its Passport Facility Services that served many citizens from the City of Huntington Beach.

Relative to maintaining a clean city, Mayor Boardman reported that the Fire Department has sped up the clean-up of the yard of homes of contaminated areas. She also commented on the ongoing clean-up of Bartlett Park and the restoration of Shipley Nature Center at Huntington Central Park through its many volunteers.

She announced that the City has hired a new Information Systems Director to centralize the City's IS functions into a single department tailored to the technological needs of the City.

The Mayor talked about the donation the Library Department has received which was enough to fund two library branches, books and staff for two years. Furthermore, she said that Project Self-Sufficiency Foundation continues to support the staff members who oversee this project.

With regard to Bolsa Chica issues, Mayor Boardman pointed out that the restoration of the wetlands and of the state land on the Mesa remains to be a major city concern. The Mayor further pointed out that since Prop 50 has been passed, state money will now be made available, and thus enable the City to purchase privately owned land and focus on the preservation of the entire Mesa.

The Mayor assured that overall, the state of the City is stable, the budget is balanced and a variety of projects are in process for fiscal years 2004/2005.

In closing, the Mayor Boardman thanked her colleagues for the support that the Council extended her during her term.

Presentation - by Mayor Connie Boardman of plaques to City Attorney Jennifer McGrath, City Clerk Connie Brockway, City Treasurer Shari Freidenrich and Councilmembers. (160.40)

Presentation Made by Community Members to Mayor Connie Boardman

Presentation to Mayor Connie Boardman by Bob Biddle, representing Assemblyman Tom Harman, Eileen Murphy, Bolsa Chica Land Trust and Ed Kerins, President, Huntington Beach Tomorrow.

Councilmember Debbie Cook commended Mayor Boardman for her service to the City.

(City Council) Approved Election of Mayor & Mayor Pro Tempore for Ensuing Year (620.10)

The City Clerk called for a motion to elect the Mayor.

A motion was made by Sullivan, second Coerper to elect Green as the Mayor by acclamation. The vote carried unanimously by acclamation with all members present.

The City Clerk is administered the Oath of Office to Cathy Green the New Mayor.

Presentation by Outgoing Mayor to New Mayor (120.70)

Presentation of the gavel and a picture by the outgoing Mayor, Connie Boardman to new Mayor Cathy Green.

Presentation – of a surfboard statuette by Mayor Cathy Green to outgoing Mayor Boardman.

(City Council) New Mayor Cathy Green Presides

(City Council) Approved Election of Councilmember Jill Hardy as the New Mayor Pro Tempore for the Ensuing Year (620.10)

The City Clerk called for a motion to elect the Mayor Pro Tempore.

A motion was made by Boardman, second Cook to elect Hardy as the Mayor Pro Tempore. The vote carried unanimously by acclamation with all members present.

Comments by Newly-Elected Mayor Cathy Green (160.40)

Mayor Cathy Green gave a brief remark acknowledging various persons, groups and volunteers in organizations with which she has had the pleasure of working. She spoke of her goals as Mayor this coming year to support all City programs and activities that make the City of Huntington Beach a wonderful place in which to live in. Mayor Green also stated her goal of working with business leaders, Conference of Business Investors and the Chamber of Commerce, to increase transient tax revenue for the City and that she would be mindful to protect the City's environmental assets which is critical for a business climate.

Mayor Green called upon her colleagues in the Council, the City's staff and the citizens to continue with efforts to enhance the quality of life and be creative in finding resources to accomplish the City's goals.

Presentations by Community Members to Incoming Mayor

Barbara Boskovich, Chairman, Ocean View School District Board presented Mayor Cathy Green with a Public Servant Appreciation Kit.

Dale Dunn, President, Council on Aging, presented Mayor Cathy Green with a bottle of wine stating that "Friends, like wine, better with age." Mr. Dunn likewise commended the Mayor's efforts as a liaison to the COA Board.

Members of "Green Team", presented Mayor Cathy Green with a crystal starfish declaring that its characteristics are like the Mayor's in her service to the citizens of the City of Huntington Beach; in her tenacity in clinging to her ideals, beliefs, and causes she believes in; in her ability to reach out to people in need such as cancer patients, and disabled children; in her ability to overcome adversities and helping other regenerate their spirits; and in the difference she makes in other people's lives.

Carol Burtis, President CERT Volunteers Program, presented a bouquet of flowers to Mayor Cathy Green in recognition of her valuable contribution to the Community Emergency Response Team (CERT) Volunteers Program as well as the Council's support to this program (presented during the Public Comments).

Council, Staff and Audience Recess to Mayor's Reception in Meeting Rooms Adjacent to Council Chamber

The reception was highlighted by homemade cakes and cookies compliments of the new Mayor, Cathy Green and put together by "Helping Hands" students.

Reconvened City Council/Redevelopment Agency Meeting – Council Chambers -

Roll Call

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

Invocation – by Bishop Thomas C. Clary

Public Comments

Tim Geddes spoke in opposition to the Districting Measure. Mr. Geddes presented reasons why he opposed the districting measure charter amendment proposed by Mr. Scott Baugh.

Ed Kerins urged voters to sign up with HB Concerned Voters Coalition in voting "No" on the Districting Measure on March 2, 2004.

Topper Horack presented a PowerPoint presentation showing how the proposed districting measure would cause difficulty for one Councilmember to represent a district. He gave the example of downtown area with all the planned projects. He also spoke in opposition to flaws in the legal description of the district boundaries in the proposed measure.

City Clerk Connie Brockway requested that Mr. Horack provide her office with a copy of his PowerPoint presentation.

Norm Westwell, Vice-Chair of the Libertarian Party, stated that the Districting Measure is bad for the City because the City would end up with less representation from seven Councilmembers to one.

Joseph Jeffrey presented reasons in support of the "Districting" measure. Mr. Jeffrey urged the Council not to take any position but leave the decision to the voters stating that the proposed Charter Amendment has already been included in the ballot of the March 2, 2004 Special Municipal Election.

Barbara Boskovich, Chairman, Ocean View School District Board, requested all to drive carefully in school zones. She spoke of her concern over traffic safety at school crosswalks as a result of a fatal accident that occurred by the Lakeview School. Ms. Boskovich also spoke on behalf of the victims' family, for donations by calling (714) 842-2589.

Joey Racano recommended Sensible Alternative to Negligent Dumping (SAND) Plan as an alternative to the proposed Desalination Project. Mr. Racano presented the problems that will be caused by the desalination plant such as encroachment of phytoplankton in the sewers and increase in the level of bacteria the AES power generating plant now dumps. Mr. Racano further explained that the proposed Poseidon Desalination Project can recycle effluent for reintroduction into the water cycle.

Mark Bixby spoke in opposition of the reinstatement of Invocation in Council Meetings. Mr. Bixby suggested a Moment of Silence approach as an alternative to the Invocation.

Steve Olim spoke in opposition to the Invocation at Council Meetings declaring that religion is a personal matter and that anyone should feel free to participate in good governance.

John Von Holle, President, Municipal Employees Association (MEA), presented reasons why a solution must be found to the big increase in cost of the City employees' insurance coverage.

Richard Robba, Norma Johnson, Elizabeth Bodine, Julie Christie, Bob Hidusky, Stacy Ramseyer, Ray Whitmer, Aron Briggs, Suzanne Cole, Freddie Horning, Debra Jubinsky, Marcel Szabo, Steve Kowny, Chris Rhoner, Gail White, Corinne Hoffman, Darrin Kossky, Jon Goldstein, Alexander Bruce, Steve Tilton, Cherry Nguyen, Stephanie Nguyen, David De La Torre, Michael Hutton, Debbie Dove, Bernie Astier, Steve Astier, members of MEA, spoke regarding the adverse effects that their families will incur as a result of the proposed increased cost on health coverage. They also cited the difficulties encountered by those with HMO Plan and Health Net as service providers. In addition, the speakers presented reasons why the City should find an equitable solution to their health coverage issue. Further, they urged the Council to: maintain the health care insurance that the employees already have; allocate additional revenues to cover the increase on the employees' health care; go back to the bargaining table to come up with a reasonable solution to their health care issues.

William Davis, Legal representative for the Municipal Employees Association (MEA), requested assistance from Council to find a long-term solution relative to the Health Coverage issue. He also recommended that Council undertake a comprehensive study to obtain affordable health care services for its employees.

Consent Calendar – Items Approved

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

AYES: Coerper, Hardy, Boardman, Houchen (Sullivan – abstained from 10/06 Minutes; Green – abstained from 9/02 Minutes; and Cook, abstained from 8/25/03 Minutes)
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Minutes (120.65) - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular Meetings of August 18, 2003; Adjourned Regular Meetings of August 25, 2003; Regular Meetings of September 2, 2003, and September 15, 2003; Special and Regular Meetings of October 6, 2003; Adjourned Regular and Regular Meetings of October 20, 2003; and Adjourned Regular Meeting of October 22, 2003 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved Project Plans and Specifications and Authorized Advertisement of Bids for Construction of Well No. 8 Pipeline to Provide Irrigation to Central Park (Located n/e of Goldenwest Street and Warner Avenue); CC-1192 (600.75) Approved the project plans and specifications and authorized the Director of Public Works to request public bids for the construction of the Well No. 8 pipeline; CC-1192.

(City Council) Approved Amendment No. 1 to Professional Services Contract between the City and Concept Marine for Construction Management Services for the Central Park Sports Complex and South Beach Phase II Improvements and Authorized Exemption from the Huntington Beach Municipal Code 3.03 Re: Contract Term Limitation (600.10) – 1. Approved *Amendment No. 1 to Professional Services Contract Between the City of Huntington Beach and Concept Marine Associates, Inc. for Construction Management Services* and authorized the Mayor and City Clerk to execute the same; and 2. Authorized an exemption to Section 3.03.120 of the Huntington Beach Municipal Code to allow extension of a professional services contract beyond the term of three years.

(City Council) Approved the Amended and Restated Affordable Housing Agreement Containing Covenants Affecting Real Property by and Between the City of Huntington Beach and Main Place Apartments, LLC (Formally PLC-Siena Apartments) (Located n/w Corner of Main and Gothard Streets) (600.10) – Approved the *Amended and Restated Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and Between the City of Huntington Beach and Main Place Apartments, LLC, and authorized the Mayor and City Clerk to sign, execute and record (Attachment No. 1).

(City Council) Approved Donation Agreement with the Council on Aging to Accept Funds to Provide a Part Time Social Worker Assistant for Senior Services (600.10) – Approved a *Donation Agreement between the City of Huntington Beach and the Council on Aging* for \$18,000 to provide a part-time Social Worker Assistant position for Senior Services.

(City Council) Adopted Resolution No. 2003-87 and Approved the First Amendment to the Joint Powers Agreement Relative to the Addition of the City of West Covina and Withdrawal of the City of Pomona to the Big Independent Cities Excess Pool (BICEP) - Approved Third Amendment to the Liability Risk Coverage Agreement - Authorized Prepayment of BICEP Revenue Bonds – (600.40) – 1. Approved the First Amendment to the Joint Powers Agreement creating the Big Independent Cities Excess Pool which acknowledges the withdrawal of the City of Pomona and the admission of the City of West Covina as a party to the Agreement; and **2.** Approved the Third Amendment to the Liability Risk Coverage Agreement which authorized the admission of the City of West Covina, the premium payments, the allocable proportion of basic premium payment for the other participants; and **3.** Adopted **Resolution No. 2003-87 - “Resolution of the City Council of the City of Huntington Beach Amending the Liability Risk Coverage Agreement and the Joint Powers Agreement Creating the Big Independent Cities Excess Pool Joint Powers Authority, Approving the Prepayment of Basic Premium, and Authorizing, Ratifying, and Approving Certain Other Documents and Action in Connection Therewith”** which authorized the addition of the City of West Covina as a new participant and the withdrawal of the City of Pomona and permits all participants (Huntington Beach, Oxnard, San Bernardino and Santa Ana), with at least two thirds approval, to exercise, as a group, the option to prepay the basic premium revenue bonds.

(City Council) Approved City Council Position on Legislation Pending Before the Federal, State, or Regional Governments as Recommended by the City Council Intergovernmental Relations Committee IRC (640.90)

The City Council considered a communication from Councilmember Jill Hardy, Chair, Intergovernmental Relations Committee, on behalf of members, Mayor Connie Boardman and Councilmember Debbie Cook transmitting the following **Statement of Issue:** Should the City Council authorize the Mayor to communicate the City of Huntington Beach's support for or opposition to legislation currently pending before the elected members of the State Legislature, a regional body or to be put on a ballot for approval by the voters?

OPPOSE AB 1160 (Steinberg) Housing – Second Units as amended 04/24/03 – 2 Year Bill

A motion was made by Cook, second Hardy to approve the recommended action to oppose AB 1160 (Steinberg) Housing – Second Units as amended 04/24/03 – 2 Year Bill. The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3622 Amending Chapter 5.50 of the Huntington Beach Municipal Code Pertaining to Regulation of Mobile Vendors (640.10)

The City Council considered a communication from City Attorney McGrath requesting the 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 Cook, second Coerper to adopt **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.”* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3623 Repealing Chapter 9.64 and adding Chapter 9.90 to the Huntington Beach Municipal Code Relating to Door-to-Door Solicitations (640.10)

The City Council considered a communication from City Attorney McGrath requesting an amendment to Huntington Beach Municipal Code Chapter 9.90 regulating of registration of canvassers and replacing it with a more updated ordinance that conforms to current state and federal law and therefore enforceable.

After the City Clerk read by title, a motion was made by Boardman, second Sullivan, to adopt **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.”* The motion carried by the following roll call vote:

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

(City Council) Adopted Ordinance No. 3624 Amending the Huntington Beach Zoning and Subdivision Code by Amending District Map 27 – Zoning Map Amendment No. 00-02 Lowe’s Home Improvement Warehouse (Sectional District Map 24-5-11) (450.20)

The City Council considered communication from City Administrator Ray Silver requesting the amendment of the zoning on a 17.4 acre parcel of land from Public-Semipublic (PS) to General-Commercial (CG).

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).”*) (Approved for Introduction at the November 17, 2003 Public Hearing.)

After the City Clerk read by title - a motion was made by Sullivan, second Cook, to adopt **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).*”) (Approved for Introduction November 17, 2003.) 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. 3625 Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Adding Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics (640.10)

The City Council considered a communication from the Police Chief requesting the approval of the Introduction of Ordinance No. 3625 to repeal Chapter 8.70 of the Huntington Beach Municipal Code pertaining to tattooing and replacing it with Chapter 8.72 pertaining to tattooing, body piercing and permanent cosmetics.

Ordinance No. 3625 – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Replacing it with Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics.*”

Councilman Dave Sullivan spoke of his observations of persons under 18 years with tattoos and asked where tattoos were being done.

Police Chief Kenneth Small reported in response that their Department is closely working with the Orange County Board of Health on this concern but it is the Board that takes care of checking in on the establishments related to tattooing, body-piercing and permanent cosmetics within the City.

After the City Clerk read by title, a motion was made by Sullivan, second Coerper, to approve introduction of **Ordinance No. 3625** – “*An Ordinance of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Repealing Chapter 8.70 and Replacing it with Chapter 8.72 Relating to Tattooing, Body Piercing and Permanent Cosmetics*” The motion carried by the following roll call vote:

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

Adjournment – City Council/Redevelopment Agency

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, December 8, 2003, at 2:00 p.m., in Room B Central Library, 7111 Talbert Avenue, 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